

CITY COUNCIL AGENDA
Monday, September 16, 2019



6:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Personnel)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chamber

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

Introductions - Directors of CACVB and CAT

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda)

- a. MINUTES: August 15 Form Based Code joint worksession; August 19 Special meeting
- b. APPROPRIATION: Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000 (1st of 2 readings)
- c. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548 (1st of 2 readings)
- d. APPROPRIATION: Refund of Tax Payment to East Market Street LLC - \$16,173.30 (1st of 2 readings)
- e. APPROPRIATION: Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey - \$31,590 (1st of 2 readings)
- f. APPROPRIATION: Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395 (1st of 2 readings)
- g. APPROPRIATION: FY 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343 (2nd reading)
- h. APPROPRIATION: Safe Routes to School Non-Infrastructure Grant Award - \$93,125 (2nd reading)
- i. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642 (1st of 2 readings)
- j. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$484,785 (1st of 2 readings)
- k. RESOLUTION: Amendment to Alley Policy (1st of 1 reading)
- l. RESOLUTION: Authorize Transit Director to Sign Federal Transit Administration Documents on Behalf of the City (1st of 1 reading)
- m. ORDINANCE: Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement (2nd reading)
- n. ORDINANCE: Release of Portion of a Gas Line Easement - Shops at Stonefield (2nd reading)
- o. ORDINANCE: Valley Road, Monroe Avenue and Jefferson Park Avenue Easements (2nd reading)
- p. ORDINANCE: Amendment to the text of the City's Zoning Ordinance, City Code Section 34-896, to modify access requirements for various uses. (2nd reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

2. PUBLIC HEARING/ RESOLUTION*: Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 19-20 (1st of 1 reading)

3. ORDINANCE: Rental Relief for Elderly and Disabled (1st of 2 readings)

4. ORDINANCE: Changes to Real Estate Tax Relief Program for Elderly and/or Disabled (1st of 2 readings)

5. ORDINANCE*: Amending and Re-enacting City Code Chapter 18, Article III – Special events (3rd reading)

6. REPORT: Public Comfort Station for downtown – Oral report only

OTHER BUSINESS

MATTERS BY THE PUBLIC
*ACTION NEEDED

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NOTICE OF SPECIAL MEETING

A JOINT WORK SESSION of the CHARLOTTESVILLE CITY COUNCIL and the Charlottesville PLANNING COMMISSION will be held on Thursday, August 15, 2019, AT 6:00 p.m. AT CITY SPACE, 100 5th Street NE, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

Discussion of Form Based Code

BY ORDER OF THE MAYOR

BY Kyna Thomas, Clerk of Council

CITY SPACE – August 15, 2019

City Council met in joint session with the Planning Commission on this date with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill and Ms. Kathy Galvin. Absent: Dr. Wes Bellamy and Mr. Mike Signer.

Planning Commission Chair, Lisa Green, called the Planning Commission meeting to order at 6:05 p.m. and turned the meeting over to Mr. Alex Ikefuna, Director of Neighborhood Development Services.

Mr. Ikefuna gave background information for the occasion of the meeting and the directive given by City Council in 2014 after the adoption of the Strategic Investment Area (SIA) Plan as an appendix to the City's Comprehensive Plan. He announced open houses to be held on September 4 and 5, 2019, and made notice of a number of community engagement opportunities scheduled. Mr. Ikefuna introduced Ms. Marta Goldsmith, Executive Director of the Form Based Codes Institute at Smart Growth America.

Ms. Goldsmith introduced other members of the consultant team: Ms. Marina Khoury – Principle at DPZ, and urban design architecture and town planning firm; and Ms. Anita Morrison – Co-founder and Principle of Partners for Economic Solutions.

Ms. Goldsmith gave a recap of the history of the Form Based Code (FBC) project, beginning in September 2017, as well as a forecast of upcoming action items:

Recap of Process - History

- Sept. 2017: Hold kick-off charrette in the SIA
- Oct. 2017: Hold work session with Planning Commission and City Council
- Dec. 2017: Submit first draft of FBC
- Mar.2018: Submission of Second Draft of FBC

- April 2018: Submit housing needs assessment & financial analysis of affordable housing options
- June 2018: Housing Assessment Presentation to City Council
- Sept. 2018 Hold community engagement workshops with public housing residents to discuss FBC and housing strategy
- Sept. 2018: Review Friendship Court site plan and meet with PHA leadership
- April 2019: Meeting with CRHA and PHRA Boards

Future steps include:

- Sept. 2019: Hold two stakeholder open houses
- Sept. 2019: Summarize comments from all meetings
- Sept/Oct. 2019: NDS provides guidance to FBCI/DPZ on revisions
- Oct. 2019: Submit final draft of FBC to NDS

Ms. Khoury gave an overview of FBC and the SIA for Charlottesville. She advised that coding Form versus coding Use is more effective and makes the process more predictable for private property owners.

Four Common Factors of FBC:

- Regulating plan (zoning map)
- Building type/use and form
- Open space considerations
- Design and function of streets.

Potential Benefits:

- Make it easier to walk, bike, use transit
- Set standards for community scale and character
- Integrate uses better
- Offer more cohesive design and development
- Are simpler, easier to understand development regulations.
- Interpret the public's vision into simple language, pictures, and diagrams to guide future development.

Potential Limitations:

- Streamlined review process (benefit for some)
- Cannot solve every important local issue
- Not an affordable housing policy
- Density bonuses are not enough to meet communities' affordable housing needs
- Subject to state law and zoning limitations in Virginia

Ms. Anita Morrison reviewed the intent of FBC, as listed below:

- Guide the evolution of, and further the goals of the SIA
- Honor the Residents Bill of Right and support the City's affordable housing policies
- Enable a greater range of housing and locally-oriented businesses
- Create a healthy neighborhood, with walkable streets in a safe, high-quality public realm; and
- Promote small, incremental development.

Ms. Morrison described the housing needs assessment that she created. Some results specific to Charlottesville included:

- Typical rents and land and building costs do not support mid-rise housing
- Most sites can support only wood frame construction 3-4 stories with surface parking
- Only downtown sites can support even five stories with structured parking
- Bonus height at above six stories has no value
- With a few exceptions:
 - Student housing near UVA
 - Luxury rental housing
 - Condominiums

Ms. Morrison explained the alternative of Tax Increment Financing, specifically in synthetic form.

Ms. Walker asked questions to clarify where the intended housing voucher recipients would live and timing of the availability of funds.

Ms. Morrison advised that it could take around twenty years for the full benefit of the program to be realized. She advised that the FBC is only one of many housing affordability tools and should be used in conjunction with other approaches to creating affordable housing and developing a housing strategy.

Ms. Green asked for examples of localities with success so that staff could research. The consultants gave the examples of Columbia Pike in Arlington County; Miami, Florida; and New Rochelle, New York.

Ms. Walker opened the floor for Public Comment.

Mr. Michael Payne questioned whether cost-benefit analysis affects where FBC changes according to where FBC is implemented in the City. He also asked based on the height bonuses whether there was a limit to the number of years that those units could be made affordable.

- Ms. Morrison advised that the additional height is earned by providing affordable housing units. She advised that it would be more valuable to get additional height near UVA than in the SIA.
- Ms. Khoury suggested activating every tool to develop affordable housing in all areas of the city, and making areas as dense as the market can bear because the need for affordable housing is so great.

A citizen spoke of conditions for open space in relation to the private sector; concern about a transition zone, building heights in relation to the look and feel of welcoming public space; the need for a companion citywide parking plan and transportation plan; missing the linear park; and walkable streets.

- Ms. Khoury provided additional information about design options including linear parks. She also suggested shared parking between commercial and residential, and talked about the potential for off-site parking.

The consultants asked City Council for feedback on the format for upcoming open houses. Mr. Ikefuna suggested a brief presentation followed by a question and answer period.

Mr. John Hall asked whether the term “government subsidized housing” should be used instead of “affordable housing”.

Ms. Walker closed Public Comment.

The consultants reviewed next steps.

Ms. Goldsmith asked that City Council, Neighborhood Development Services, and the Planning Commission publicize the September 4th and 5th open houses as much as possible.

Ms. Walker adjourned the City Council meeting at 8:15 p.m.

Ms. Green adjourned the Planning Commission meeting at 8:15 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, August 19, 2019, AT 5:30 p.m. IN THE Second Floor Conference Room, City Hall, 605 E. Main Street, Charlottesville, Virginia.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code
(Personnel; Boards & Commissions)

BY ORDER OF THE MAYOR

BY Kyna Thomas

SECOND FLOOR CONFERENCE ROOM – August 19, 2019

City Council met on August 19, 2019, with the following members present: Mayor Nikuyah Walker, Vice Mayor Heather Hill, Ms. Kathy Galvin and Mr. Mike Signer; absent: Dr. Wes Bellamy.

Ms. Walker called the meeting to order at 5:42 p.m.

On motion by Ms. Hill, seconded by Ms. Galvin, Council voted 4-0 (Ayes: Walker, Hill, Galvin and Signer; Noes: none; Absent: Bellamy), to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

-as authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion and consideration of prospective candidates for appointment to the Charlottesville Building Code Board of Appeals, the Community Development Block Grant Task Force, the Community Policy and Management Team, the Historic Resources Committee, the JAUNT Board of Directors, the Minority Business Commission, the Parking Advisory Board, the Personnel Appeals Board, the PLACE Design Task Force, the Region Ten Community Services Board, the Charlottesville Retirement Commission, the Sister City Commission, the Social Services Advisory Board, the Towing Advisory Board, the Tree Commission, the Vendor Appeals Board, and the Charlottesville Youth Council.

-as authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion of an appointment to a committee to discuss a request for proposals related to the Charlottesville Capital Improvement Program related to school construction.

On motion by Ms. Hill, seconded by Ms. Galvin, Council certified by the following vote 4-0 (Ayes: Walker, Hill, Galvin and Signer; Noes: none; Absent: Bellamy), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:28 p.m.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Approve appropriation
Presenter:	Diane Kuknyo, Director of Social Services
Staff Contacts:	Mary Jane Skidmore, Chief of Benefit Programs Laura Morris, Chief of Administration
Title:	Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000

Background:

The Charlottesville Department of Social Services (CDSS) has received \$50,000 in funding to serve as a pilot site for an initiative between the Department of Child Support Enforcement and the Virginia Department of Social Services.

Discussion:

The Division of Child Support Enforcement (DCSE) is collaborating with the Virginia Department of Social Services Temporary Assistance for Needy Families (TANF) program for an employment services pilot. The pilot initiative will be managed by the Virginia Initiative for Education and Work (VIEW) team at CDSS. This pilot program will serve certain noncustodial parents with a DCSE TANF case and current and/or past due child support obligation. Pilot participants will be identified and referred to the VIEW team at CDSS by DCSE staff.

Pilot participants will be offered the opportunity to receive employment and supportive services through the Virginia TANF Employment and Training (VTET) program. The pilot will be administered in Fairfax County, Charlottesville, and Norfolk beginning June 1, 2019, and will run for 18 months. DCSE district offices and the department of social services staff will work together to assist participants on working towards self-sufficiency, paying off child support debts, and paying child support on a consistent basis.

Alignment with City Council's Vision and Strategic Plan:

This pilot project aligns with the Council Vision for Economic Sustainability, and Strategic Plan Goal 1: An Inclusive Community of Self-sufficient Residents.

Community Engagement:

CDSS and the VIEW team are actively involved in the community and aware of the gap in employment services and support for non-custodial parents in TANF involved cases. This pilot

offers a resource to meet that longstanding need.

Budgetary Impact:

There are no general funds required or being requested for this program in FY 2020.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

If the appropriation is not approved, CDSS will not be able to participate in the pilot and the target local cohort will not be served.

Attachments:

Appropriation

APPROPRATION
Funding for Virginia Temporary Assistance to Needy Families Employment and Training
(VTET) Pilot Program
\$50,000

WHEREAS, the Charlottesville Department of Social Services has received \$50,000 from the Virginia Department of Social Services to participate in the TANF Non-Custodial Parent Employment Pilot.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000 is hereby appropriated in the following manner:

Revenue-\$50,000

Fund 212 Cost Center: 9900000000 G/L Account: 430080 \$50,000

Expenditures-\$50,000

Fund 212 Cost Center: 3333002000 G/L Account: 540060 \$50,000

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Appropriation of grant funds
Presenter:	Susan Morrow, Offender Aid and Restoration
Staff Contact:	Ryan Davidson, Senior Budget and Management Analyst Susan Morrow, Offender Aid and Restoration
Title:	Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548

Background:

The City of Charlottesville, on behalf of the Charlottesville/Albemarle Adult Drug Treatment Court, has received a grant from the Substance Abuse and Mental Health Services Administration (hereinafter SAMHSA), a division of the U. S. Department of Health and Human Services, in the amount of \$300,548 for operations of the drug court program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Substance Abuse and Mental Health Services Administration Drug Treatment Court Grant.

Discussion:

In its twenty-first year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to incarceration for offenders. Drug Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders who are addicted to drugs. The program uses the power of the court to assist offenders with moderate to severe substance use disorders to achieve recovery through a combined system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The SAMHSA grant will fund enhancements that are intended to close current gaps in the drug court treatment continuum, support consumer specific clinical needs and create a

supportive environment that connects participants with a broader, community-based system of services and support, bridging the gap between treatment and recovery communities. All of the new enhancements are evidence based and are expected to improve retention rates and graduation rates while reducing recidivism among drug court participants and graduates.

The total budget for the SAMHSA grant is \$300,548, and it does not require a local match.

Alignment with City Council Vision and Strategic Plan:

This program supports the Council's Goal C2: Be a safe, equitable, thriving and beautiful community and Objective C2.1: Provide an effective and equitable public safety system. The drug court is a valuable, less expensive alternative to incarceration for certain substance dependent criminal offenders which utilizes a blend of court-ordered supervision, drug testing, drug and mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and drug use among participants beyond what is observed after incarceration alone.

Community Engagement:

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, and the Sheriff's department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months and requires a minimum of 12 months substance free, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community's investment in them by maintaining full time, tax paying employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact:

There is no budgetary impact to the City. All funds will be appropriated to the grants fund and no local match is required for the SAMHSA grant.

Recommendation:

Staff recommends approval and appropriation.

Attachments:

N/A

APPROPRIATION
Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and
Mental Health Services Administration Grant Award
\$300,548

WHEREAS, the Substance Abuse and Mental Health Services Administration, a division of the U. S. Department of Health and Human Services, in the amount of \$293,745 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the grant award covers the period October 1, 2019 through September 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300,548, received as a grant from the Substance Abuse and Mental Health Services Administration, is hereby appropriated in the following manner:

Revenues

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 431110

Expenditures

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$300,548 from the Substance Abuse and Mental Health Services Administration.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Approval of Refund of Tax Payment
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer Jeffrey Davis, City Assessor
Title:	Refund of Tax Payment to East Market Street, LLC - \$16,173.30

Background:

In 2014 a property transfer was incorrectly recorded at 0 10th St NE. The property record should have indicated that 923 East Market Street, LLC was the owner of the property, but instead the record indicated that the property was owned by East Market Street, LLC in error. At the time, neither party notified the City of the clerical error. Both parties have been notified of the error and the correct owner will be billed for the taxes that are due. As a result, the City owes East Market Street, LLC a refund of taxes paid from 2016-2019. However the correct property owner will be billed for these taxes resulting in no change in the real estate tax or stormwater fee revenue.

Discussion:

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. Code of Virginia 58.1-3990 limits refunds due to exonerations to the current tax year and three prior tax years. The refund has been approved for presentment to Council by the City Attorney, City Assessor, and City Treasurer. The total refund amount is \$16,173.30.

Alignment with City Council's Vision and Strategic Plan:

n/a

Budgetary Impact:

The refund will reduce Interest Revenue (GL 400030) by \$2,089.70. Because the assessments will be correctly billed to 923 East Market Street, LLC, there will be no change in the real estate tax or stormwater fee revenue upon payment of the taxes by the correct property owner.

Recommendation:

Approval of the tax refund.

Alternatives:

n/a

Attachments:

Interest Calculation
Council Resolution

Due Date	Tax	Stormwater	# of Days	Daily Interest Rate	Interest
6/5/2016	\$ 1,266.35	\$ 115.20	1183	\$ 0.35	\$ 410.44
12/5/2016	\$ 1,266.35	\$ 115.20	1000	\$ 0.35	\$ 346.95
6/5/2017	\$ 2,148.90	\$ 115.20	818	\$ 0.59	\$ 481.59
12/6/2017	\$ 2,148.90	\$ 115.20	634	\$ 0.59	\$ 373.26
6/5/2018	\$ 2,148.90	\$ 115.20	453	\$ 0.59	\$ 266.70
12/5/2018	\$ 2,148.90	\$ 115.20	270	\$ 0.59	\$ 158.96
6/5/2019	\$ 2,148.90	\$ 115.20	88	\$ 0.59	\$ 51.81
Total	\$ 13,277.20	\$ 806.40			\$ 2,089.70

Calculation Date 9/1/2019
Tax Interest Rate 10%

Grand Total \$ 16,173.30

224 14th ST NW 22903

RESOLUTION
AUTHORIZING REFUND TO EAST MARKET STREET, LLC
OF REAL ESTATE TAXES PAID FOR 2016-2019
\$16,173.30

WHEREAS, the City Assessor has determined that East Market Street, LLC was incorrectly identified as the owner of 0 10th St NE; and

WHEREAS, the real estate taxes for the Property for calendar years 2016-2019 were paid on time and as billed; and

WHEREAS, the City Assessor has certified that a refund of taxes paid and interest is due in the amount of \$16,173.30; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$16,173.30, payable to East Market Street, LLC.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Appropriation of Funds
Presenter:	Jeff Werner, Preservation & Design Planner, Department of Neighborhood Development Services (NDS)
Staff Contacts:	Jeff Werner, Preservation & Design Planner, NDS Alex Ikefuna, Director, NDS
Title:	Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey

Background:

The City of Charlottesville through the Department of Neighborhood Development Services has been awarded \$21,060 from the VDHR 2019-2020 Certified Local Government (CLG) Subgrant program towards a historic survey of the 10th and Page neighborhood. In addition to the grant of \$21,060 from VDHR, there is a local match requirement, which will be met through the usage of \$31,590 in existing city funding for historic resources.

The project's estimated total cost is \$52,650.* The city's share, \$31,590, is currently available in the Neighborhood Development Services New Historic Surveys fund (\$20,568) and in the Historic Resources Task Force fund (\$11,022). [* Note: Prior information, including the attached, indicate a project cost of \$52,550. Amount is here revised by \$100 to correctly reflect the 60/40 split of city funding and CLG grant funding.]

Discussion:

This funding will provide a comprehensive, reconnaissance-level survey of approximately 350 properties, most of which have not been previously surveyed. It will also provide a Preliminary Information Form (PIF) based on the survey results, to determine if part or all of the neighborhood would qualify for future listing as a National Register historic district.

Alignment with Council Vision Areas and Strategic Plan:

- Council's *Vision 2025*:
 - Charlottesville cherishes and builds programming around the evolving research and interpretation of our *historic heritage and resources*.
- City *Strategic Plan*:
 - Goal 3.5: Protect historic and cultural resources.
- Additionally, from the recommendations of the BRC on Race, Memorials, & Public Spaces:
 - Highlighting and Linking Historic Places: [...] council provide financial and planning support for historic resource surveys of African American, Native American and local

labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate.

Community Engagement:

In July 2017, the 10th and Page Neighborhood Association expressed support for the historic survey. Following that, city staff reviewed the request with VDHR staff, who recommended the boundaries of the survey.

Budgetary Impact:

The city's share, \$31,590, is available in Neighborhood Development Services fund 426 for New Historic Surveys P-00484 (\$20,568) and in the Historic Resources Task Force fund 3901005000 (\$11,022).

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

The alternative is to not approve this project, which would be contrary to Comprehensive Plan Historic Preservation Goal 3 Incentives & Tools, 3.2: *Pursue National Register and Virginia Landmarks Register status for all future local historic districts.*

Attachments:

- Draft resolution
- Narrative from May 15, 2019 CLG Grant Request
- CLG Subgrant Agreement letter (signed by City August 12, 2019)

APPROPRIATION

**Virginia Department of Historic Resources
2019-2020 Certified Local Government Grant Funding
for 10th and Page Neighborhood Historic Survey
\$52,650**

WHEREAS, the City of Charlottesville, through the Department of Neighborhood Development Services, has received from the Virginia Department of Historic Resources, funding to support a historic survey for the 10th and Page Neighborhood,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$21,060 for the fiscal year 2019-2020 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenue

\$ 21,060	Fund: 209	IO: 1900338	G/L: 430120 (State/Fed Pass Thru)
\$ 31,590	Fund: 209	IO: 1900338	G/L: 498010 (Transfer from other fund)

Expenditure

\$ 52,650	Fund: 209	IO: 1900338	G/L: 530670 (Other contractual services)
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Transfer

\$20,568	Fund: 426	WBS: P-00484	G/L: 561209 (Transfer to grants)
\$11,022	Fund: 105	CC: 3901005000	G/L: 561209 (Transfer to grants)

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$21,060 for the fiscal year 2019-2020 from the Virginia Department of Historic Resources.

Approved by Council
September 16, 2019

Clerk of Council

2019-2020
10th and Page Neighborhood Historic Survey
Charlottesville, Virginia

A proposal to the Commonwealth of Virginia Department of Historic Resources
2019-2020 CLG Sub-grant Program



Submitted by
The City of Charlottesville
May 15, 2019



CERTIFIED LOCAL GOVERNMENT SUB GRANT APPLICATION FY 2019-2020

Section B. Project Description

1. Proposed Project Type: (Check one that applies)

- Archeological Project Preservation Planning Project National Register Nomination(s)
- Survey/Inventory Project Historic Preservation Planning Project
- Construction/Development/Pre-Development Project Preservation Training
- Education & Outreach Design Guidelines Other

Narrative Statement of Project Description and Design.

2019-2020 10th and Page Neighborhood Historic Resources Survey, Charlottesville, Virginia

Summary

The City of Charlottesville Department of Neighborhood Development Services (NDS) is requesting 2019-2020 Certified Local Government Local Grant funds toward a selective historic resources survey in the area of the City’s 10th and Page neighborhood. The City’s Comprehensive Plan recommends that this neighborhood be surveyed and its documentation will enable the City and its residents to better understand the architectural and historic significance of the neighborhood.

The 10th and Page neighborhood is rich with social and community value. Historically it was a working class community composed primarily of modest, single-family residences, with a majority of the houses constructed prior to 1929 and a few as early as the late 1800s. Portions of the neighborhood were once owned by John West. Formerly enslaved, upon emancipation West trained as a barber and began amassing real estate. Upon his death in 1927 West was one of the wealthiest people in the community. During his lifetime he subdivided much of his land and sold lots to African-American families, allowing them to obtain wealth and power in a time before Civil Rights.

This area has never been fully surveyed at the level required by the Department of Historic Resources (DHR) standards. In fact, it is only in the last decade that the City’s traditionally African-American neighborhoods and sites have received the attention long given to historically white neighborhoods and sites. This survey will bring the City closer to a more complete inventory of its historic resources.

Fieldwork will include neighborhood outreach and preliminary discussions with DHR staff. Deliverables will include preparation and submittal of Virginia Cultural Resource Information System (V-CRIS) inventory forms and a survey report.

The total project cost is \$50,900. The City is requesting \$24,000 (nearly 50%) in matching CLG grant funding. (Note July 2019: Project cost revised to \$52,550; grant amount awarded is \$21,060.)

Project Description

Survey Area and Description

The proposed survey area is based roughly on the traditional boundaries of the 10th and Page neighborhood, with adjustments to account for an adjacent, related section that is of a later period of development. (Note: After discussions with DHR's Marc Wagner, Director, Eastern Region Preservation Office, it was decided to include the small area to the north of Grady Avenue.) The survey area appears to encompass one of the City's largest concentrations of buildings constructed in the first quarter of the 20th century.

The area of approximately 100 acres is bounded:

- on the west by 13th Street NW;
- on the south by the properties fronting Page Street (including a small segment of 10th Street NW);
- on the east by the railroad tracks;
- on the north by Preston Avenue, from the railroad tracks to a line just north of Rosser Avenue East.

Objectives

The objectives of the 10th and Page neighborhood survey are:

- Satisfy the community's request to learn more about the significance of the history and buildings in a neighborhood that is associated with the history and culture of African Americans.
- Raise public awareness and understanding, thereby encouraging a greater commitment to the voluntary protection and preservation of historic resources.
- Provide a base level of information about the location and type of resources within the area to inform local planning decisions, including any potential future requests by the neighborhood for a local historic district.
- Determine the feasibility and boundaries of a possible future NRHP district that would allow tax credits to encourage rehabilitation.

Properties in the Survey Area

There are approximately 480 parcels; 435 parcels have structures on them, with construction dates ranging from 1870 to 2016, per City tax data; 344 structures are dated prior to 1960. Of the pre-1960 buildings:

- 323 are single-family homes (over 230 of these are pre-1930);
- four are apartment buildings;
- 13 are commercial buildings; and
- four are places of worship.

Locally-designated properties:

- 134 10th Street NW, Coca-Cola Bottling
- 946 Grady Avenue, Monticello Dairy
- 1000 Preston Avenue, Southern Bakery Building
- 212 [also 0] Rosser Avenue East, Holy Temple Church

VLR/NRHP listed properties:

- 722 Preston Avenue, Coca-Cola Bottling Works in Charlottesville (104-5174)
- 1010 Preston Avenue, Rock House or Charles B. Holt House (104-5098)

The survey area is bounded almost entirely by neighborhoods that have been previously surveyed:

- To the west: the Rugby Road/University Corner Historic District (104-0133).
- To the south: West Main Street (104-0083) and Wertland Street (104-0136).
- To the east: the Starr Hill neighborhood (PIF in 2017).
- To the north: the Rose Hill neighborhoods (PIF in 2018).

Note: The 10th and Page neighborhood includes Westhaven, a 10-acre, 126-unit public housing complex constructed in the early 1960s, during Charlottesville’s period of “urban redevelopment.” This action included the razing of African-American neighborhoods at Vinegar Hill, Garrett Street, and, within 10th and Page, Cox’s Row. The Westhaven buildings and site have been documented and will not be surveyed with this work. However, Westhaven is a critical component of the neighborhood’s history, as well as the City’s, and the historical narrative from this survey will include that impact.

Scope of Work (See detailed summary in the attachments)

- To manageably and effectively complete a reconnaissance-level documentation of such a large area, the project will employ a selective survey of only those properties with structures dating prior to 1960.* Included will be 106 properties surveyed by City interns between 2012 and 2016. Six properties are locally designated; two are listed on the Virginia Landmarks Register (VLR) and the National Register of Historic Places (NRHP). (*Note: 88 buildings are listed as being constructed in 1920. Maps and other information suggest earlier construction dates. See comments in the attachments.)
- Schedule: All work to be completed by June 2020. (See attached *Section C*.)
- Phasing:
 - Task 1 – Kickoff Project/Engage Neighborhood (106 Group, NDS Staff)
 - Task 2 – Research (106 Group)
 - Task 3 – Conduct Fieldwork (106 Group)
 - Task 4 – Process Data/V-CRIS Entry (106 Group)
 - Task 5 – Draft Survey Report **and PIF** (106 Group) (**Revised July 2019**)
 - Task 6 – Draft Survey Report **and PIF** Review (NDS Staff, DHR) (**Revised July 2019**)
 - Task 7 – Review V-CRIS Form (DHR)
 - Task 8 – Prepare Deliverables (106 Group)
 - Task 9 – Present findings (NDS Staff)
- Deliverables:
 - A DHR inventory form for all properties in the project area, submitted digitally via V-CRIS, and one (1) final hard copy version of each form will be submitted to DHR and to the City of Charlottesville (including a digital version compiled on a CD).
 - Digital color photos of each property will be saved to a CD and submitted to the City of Charlottesville, as well as uploaded to an FTP site for submittal to DHR.
 - A brief survey report will be prepared. One (1) final hard copy and one (1) final digital copy of the final survey report will be submitted to the City of Charlottesville and DHR.

City Qualifications and Project Support

The City of Charlottesville adopted its first local district ordinance in 1959 and adopted a Historic Preservation Plan in 1993. The City’s 2013 Comprehensive Plan updated previous plans with a Historic Preservation chapter that includes nine historic preservation goals. The 10th and Page Neighborhood Historic Survey proposal will support the achievement of at least four of the nine goals:

- GOAL 2. Educate property owners and potential property owners of historic resources about the significance of their properties;
- GOAL 3. Continue to identify and make available incentives to encourage historic preservation;
- GOAL 4. Systematically inventory and evaluate all historic resources in the City and develop context narratives that provide the historical and architectural basis for evaluating their significance and integrity;
 - Objective 4.1 states, “Work with the following neighborhoods to develop interest and participation in documentation of neighborhood buildings and history through architectural and historic surveys: 10th & Page, Starr Hill, and North Belmont.”
- GOAL 6. Provide effective protection to the City of Charlottesville’s historic resources.

The City's efforts to survey and protect historic properties have accelerated in recent years in anticipation of, and in reaction to, increased development and associated demolitions. In 2003 Charlottesville adopted a new zoning ordinance designed to encourage increased density and mixed-use development. At the same time, it recognized the need to further protect its historic resources. Since 2003, the City has designated five new local districts, expanded two existing districts, and added twelve individually designated properties. In all, approximately 1,400 properties are now protected by local regulation. In addition, seven new districts have been listed on the VLR and NRHP; the City's total now exceeds 2,000 contributing sites and structures.

As with prior surveys, City staff will provide assistance to the consultant, including GIS data/mapping, access to City records and documents, and taking the lead on community outreach and engagement. Through the Preservation and Design Planner and other NDS staff, the City has successfully managed multiple historic resource surveys, as summarized above. These projects are programmed into our annual work plan. Currently underway is a survey of the Little High neighborhood and, as a result of the 2018 survey of the Rose Hill neighborhood and with overwhelming local support, the City has retained a consultant to prepare the nomination for VLR and NRHP listing of the Burley School.

Project Design

Historical Context

Although segregated within its boundaries--with the white homes all but exclusively located east of 10th Street and north of Page Street--10th and Page was initially a diverse neighborhood. Through the 1930s and 1940s it transitioned to predominantly African-American and remained so late into the century. A number of families have connections to individual properties that span generations and several families have owned and lived in the same house for half a century or more.

A temporal snapshot of the community is available from the 1930 US Census, when almost 500 households were registered within the survey area. More than half are black (275) and of these 156 (57%) owned their homes--slightly higher than the nearby white households. Of the 252 occupations listed for black heads of household, over two-thirds are listed as either Servant (37), Laborer (33), Janitor (28), Waiter (25), Laundress (19), Chauffeur (13), or Cook (13). Only 14 report professional occupations, which include one dentist, one doctor, and three ministers.

Of the 122 white households listed, 56% own their homes. While one-quarter of the heads of household have professional occupations, the remainder are service related. However, in contrast with the black households, there are only four Laborers, one Janitor, and none employed as a Servant, Waiter, Laundress, Chauffeur, or Cook.

Interestingly, the 1930 Census identifies 20 men as military veterans. Of the 19 who reported service in World War I, twelve are black and seven are white. The other individual is Civil War veteran William Garrison of 909 Anderson Street. Born in 1848, at age 17 he served a mere four months in the Albemarle Light Artillery Battery before Lee's surrender at Appomattox.

In the survey area north of Grady Avenue is a collection of small, simple, concrete-block dwellings constructed mid-century for African-American families. Here--and in other parts of the City--Reverend Charles H. (C.H.) Brown worked with local civil rights leader Drewary Brown to help African-American families acquire property and secure the financing to construct their own homes. In 1947, C.H. built the church at the corner of 12th Street and Rosser and in 1953, at 706 12th Street NW, built what would be the first of many of his signature concrete-block houses. (Reverend Brown, whose family lived at 354 10-1/2 Street NW, formed the C.H. Brown Construction Company that from the 1950s through the 1970s would build for African-American families an estimated 150 of these homes throughout the City.)

Threats and Stewardship Needs

The City of Charlottesville has a wealth of historic resources, both grand and vernacular. The City has long had a goal of systematically surveying all of its historic buildings. Charlottesville is also committed to providing protection for its historic buildings, through both VLR and NRHP listings and local designation. While completing a neighborhood survey does not necessarily lead to VLR, NRHP, or local designation, that documentation serves a valuable purpose: It raises public awareness of the neighborhood's history and historic resources. That awareness leads to interest in the tools and incentives available to protect those resources. A historic survey also provides the City and its residents the information needed to plan for the preservation and wise use of historic and cultural resources.

To date, the architectural history of the 10th and Page area has been surveyed for less than one-third of the neighborhood's pre-1960 structures, and very little of that work has been entered into V-CRIS

The City is currently reviewing its Comprehensive Plan (last updated in 2013). Public comments repeatedly include concerns about the loss of the historic buildings in older neighborhoods and the encroachment of new development, particularly into the historically black neighborhoods north and south of West Main Street, like 10th and Page. Since 2000 alone, within the proposed survey area, no less than 36 pre-1960s structures have been razed, primarily houses: 24 were pre-1920; 12 constructed in the 1920s to 1950s. Also since 2000, on these cleared lots and others that were vacant, 38 new houses have been built. Given this vulnerability, and the recent escalation of property values in all City neighborhoods, a historic survey is needed to document existing resources before they are replaced or remodeled, and to help ensure that the character of this neighborhood will be maintained as the areas around it are more intensively developed.

Among the lost resources:

- A small, single-story, neighborhood grocery store once stood at the corner of 10th Street NW and Paoli Street. Constructed prior to 1920, all that remains today are its concrete steps.
- The Cox Row Houses were constructed in the late 1800s by the Cox brothers. Built to meet the need for worker housing, over fifty of these modest, wood-framed, two-story units—each unit serving two families—once stood along Page Street and what was known as Cox's Row. Today only five remain—824, 836, 838, 903, and 905 Page Street.

Benefits

Charlottesville's Comprehensive Plan recommends three neighborhoods for historic resources surveys: Starr Hill (completed in 2017), North Belmont (completed in 2017), and the 10th and Page neighborhood.

The 10th and Page Neighborhood Historic Resources Survey will address the following statewide priorities:

- Provide broad-based survey coverage of an area that has been only partially surveyed.
- Survey an area that is under threat or endangered, that is under-documented, and for which its historic context is not well understood.
- Identify and document resources associated with Virginia's culturally diverse history.

In March 2001, DHR staff met with Charlottesville city planners to look at CDBG neighborhoods. At that time, 10th and Page was recommended for survey by DHR staff. In 2003, a CLG grant request to support a survey of a portion of this area was declined due to limited available funds and because the request lacked clarity on the proposed work. Subsequently, between 2012 and 2016 NDS interns completed a limited inventory of the area.

Completing this survey will move the City closer to a more complete inventory of its traditionally African-American neighborhoods and sites, which only in the past decade (list below) have received the attention long given to historically white neighborhoods and sites.

- Fifeville-Tonsler (104-0213), surveyed 2008;

- Daughters of Zion Cemetery (104-5153), surveyed 2010;
- Starr Hill, surveyed 2017;
- Rose Hill, surveyed 2018.

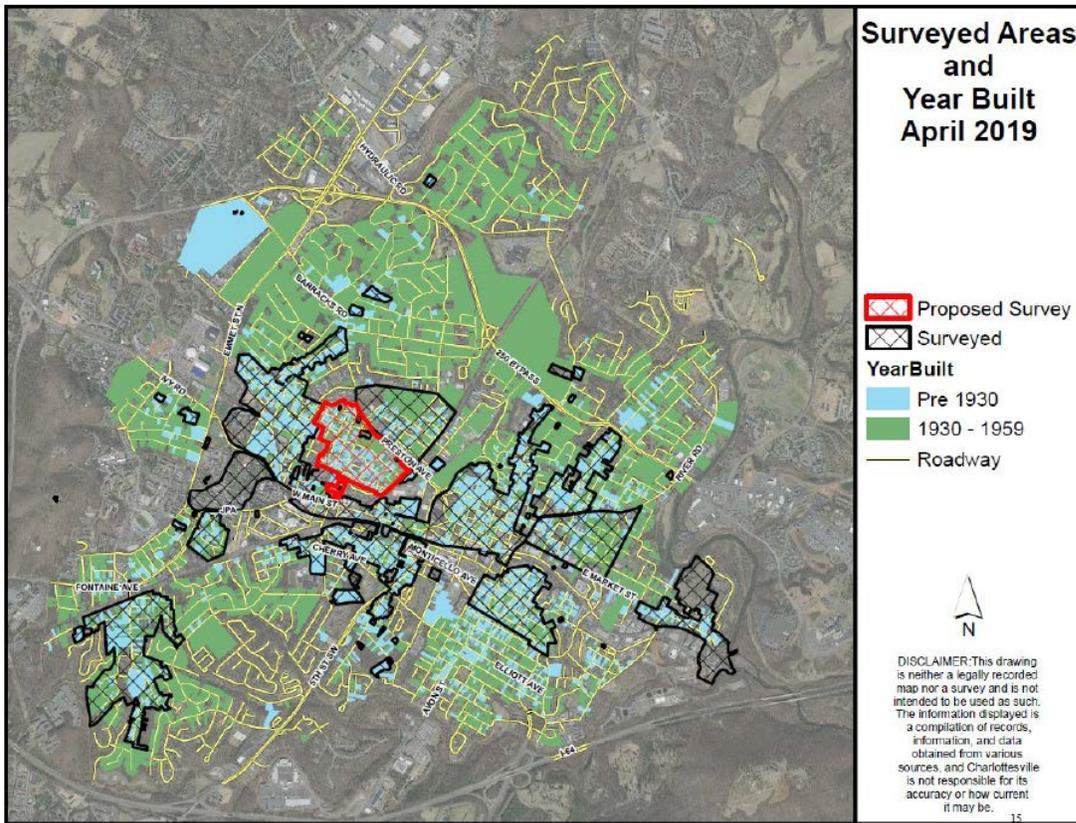
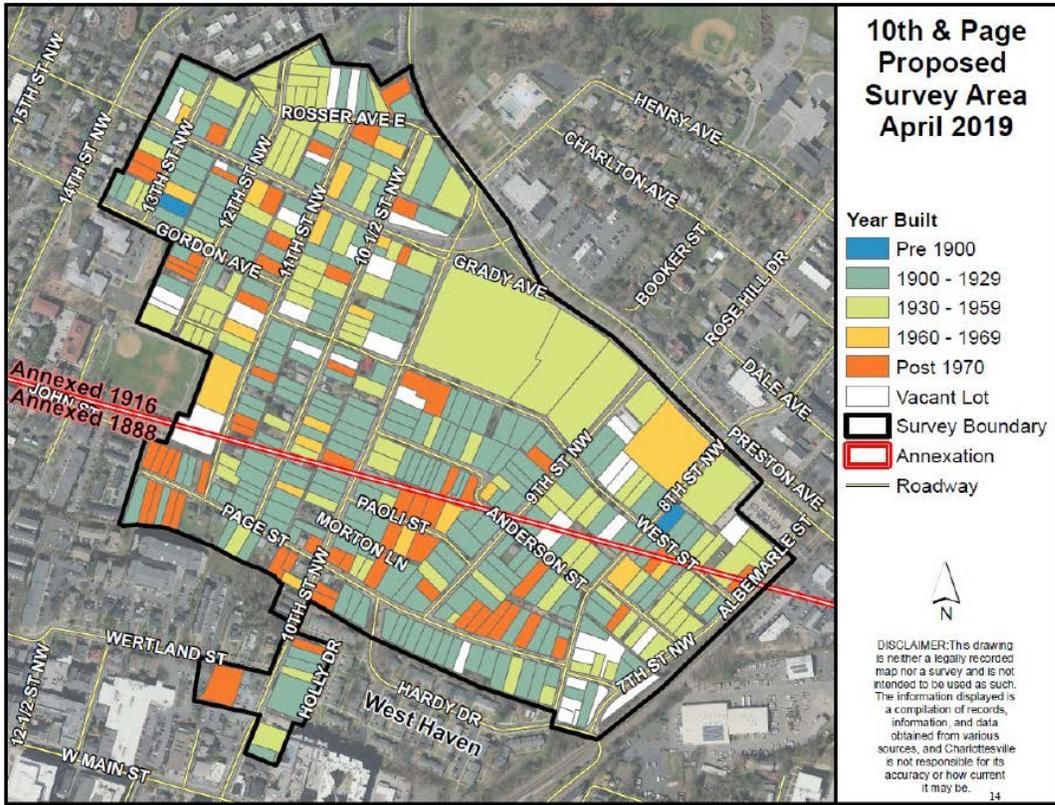
Additionally, this survey will support the recommendations of the City's *Blue Ribbon Commission on Race, Memorials, and Public Spaces*, a 2016 report that included a unanimous recommendation that the City "provide financial and planning support for historic resource surveys of African American, Native American and local labor neighborhoods and sites, seeking National Register listing and zoning and design guideline protection, where appropriate." (See attachment for full text.)

Information from the survey will be shared with the community through neighborhood meetings and be made available on-line through the City's historic preservation page. Part of the 2012-2016 work by NDS interns was interviewing several 10th and Page residents and collecting photos and other information. Through the public engagement process for this survey we plan to again invite residents to share their stories, adding valuable context to the physical inventory of the neighborhood.

Schedule and Capacity

The 10th and Page Neighborhood Historic Resources Survey will commence in late-summer 2019, including neighborhood meeting and initial documentary research. Field work and documentation will occur in late 2019, followed by drafting of the report and V-CRIS entry in early 2020, and project completion with deliverables by mid-spring 2020.

Groups who provide support and assistance on projects of this nature include the City's Historic Resources Committee, the Jefferson School African American Heritage Center, the Charlottesville Center for History and Culture [formerly the Albemarle County Historical Society], the Central Virginia History Researchers, and Preservation Piedmont. Among the residents of the 10th and Page Neighborhood are two members of the City's Board of Architectural Review and one member of the City's Planning Commission.





COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Matt Strickler
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

July 24, 2019

Jeff B. Werner
Historic Preservation and Design Planner
P.O. Box 911
Charlottesville, VA. 22902

RE: 2019-2020 CLG Grant Agreement

Dear Mr. Werner:

I am pleased to enclose an agreement for your 2019-2020 CLG Grant for \$21,060 to complete a selective survey and Preliminary Information Form(PIF) for the 10th and Page Neighborhood. Congratulations and we look forward to working with you on this project.

Please sign the agreement and return it to **Aubrey Von Lindern, Northern Regional Preservation Office, Department of Historic Resources, P.O. Box 519** in the next ten days. If you have any questions, you are welcome to contact Aubrey at (540) 868-7029.

Sincerely,

Julie V. Langan
Director
Virginia Department of Historic Resources

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033



**CERTIFIED LOCAL GOVERNMENT SUBGRANT AGREEMENT
2019-2020**

PROJECT TITLE: 10th and Page Neighborhood Historic Survey

PROJECT DESCRIPTION: The City of Charlottesville proposes to utilize grant funds for a selective historic resources survey in the area of the 10th and Page Neighborhood. The scope of work will also include completion of a Preliminary Information Form.

GRANT IDENTIFICATION: HPF-VACLG-CHAR-2019

FEDERAL FUNDING AGENCY: U.S. Department of Interior National Park Service (NPS)

GRANT: State Historic Preservation Fund (HPF) Grant to Virginia – Fiscal Year 2019

CFDA: #15.904, HISTORIC PRESERVATION FUND GRANTS-IN-AID

FEDERAL AWARD IDENTIFICATION NUMBER: P19AF00006

FEDERAL AWARD AUTHORIZATION DATE TO DEPT OF HISTORIC RESOURCES (DHR): 05/16/2019

OTHER IDENTIFYING NUMBER ASSIGNED BY DHR, THE PASS THROUGH ENTITY: 0000114687

SUBGRANTEE NAME AND DUNS# City of Charlottesville, 074745829

RESEARCH & DEVELOPMENT: NO

AMOUNT OF FEDERAL FUNDS OBLIGATED BY THIS ACTION: \$21,060

TOTAL AMOUNT OF FEDERAL FUNDS OBLIGATED: \$21,060

TOTAL AMOUNT OF AWARD INCLUDING MATCHING SHARE: \$52,550

GRANT AMOUNT: \$21,060
GRANT SHARE: 40%

MATCHING SHARE: \$31,490
MATCH SHARE: 60%

TOTAL PROJECT COST: \$52,550
GRANT/MATCH RATIO: 40%/60%

SUBGRANT PERIOD: July 15, 2019* through August 31, 2020

* Actual Start Date is the Date of full execution of agreement

This agreement entered into the 24th day of July, 2019, by the Commonwealth of Virginia, Department of Historic Resources (DHR), and the **City of Charlottesville**, the Certified Local Government (CLG), WITNESS that DHR and the CLG, in consideration of the mutual covenants, promises, and agreements herein contained, agree that the grant awarded by DHR to the CLG shall be described below:



The Subgrant Agreement Incorporates the Following Documents plus Restatements and/or Clarifications of certain General and Special Provisions:

- (1) This signed form;**
- (2) DHR Request for Applications – 2019-2020 CLG Subgrant Program, dated March 01, 2019;**
- (3) Grant Application from the City of Charlottesville dated May 15, 2019 detailing CLG Project Description, signed Assurances, and approved Final Budget attached herein;**
- (4) Certified Local Government Grant Manual including the OMB Circulars and Federal Regulations referenced therein. Full text of Codes of Federal Regulations can be found at <https://www.ecfr.gov> and/or other websites. See 2CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. For additional reference, the National Park Service's Historic Preservation Fund (HPF) Grants Manual can be found at <http://www.nps.gov/preservation-grants>.**

- (5) Indirect Costs, whether applied directly or by indirect cost rate, will not be allowable charges against the award unless specifically included as a line item(s) in the approved budget incorporated into this subgrant agreement. A proposed Indirect Cost Rate (IDCR) must meet the requirements of 2CFR Part 200 including its Appendixes as applicable. If the subgrantee has never had a Federally-Approved, Negotiated Indirect Cost Rate Agreement it may request approval to charge a 10% de minimis rate as defined in 2 CFR 200.414 paragraph (f). If chosen, this methodology once elected must be used consistently for all Federal awards until the subgrantee chooses to negotiate for an approved federally recognized indirect cost rate with the Federal Government. A Federally Negotiated IDCR Agreement or De Minimis IDCR Certification must be submitted to DHR if a rate is applied to this subgrant; otherwise, indirect costs applied by a IDCR will be disallowed. If the subgrantee so chooses, it may voluntarily waive federal indirect cost recovery to allow a greater share of the HPF CLG Subaward funds to be used for direct program costs.**

- (6) Retention and Access Requirements for Records – All subgrantee financial and programmatic records, supporting documents, and other grant-related records must be retained for a period of three years from the date of submission of the final expenditure report. Subgrantee will give NPS, the Inspector General, the Comptroller General of the United States, DHR, or any of their authorized representatives, access to and the right to examine any documents, papers, or other records of the subgrantee which are pertinent to the Federal award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives. Retention and Access requirements are in accordance with 2CFR Part 200.333-200.337 and the Historic Preservation Fund Grants Manual.**



(7) Audit Requirements – Subgrantees that expend \$750,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and 2CFR Part 200, Subpart F – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Subgrantees that expend less than \$750,000 for a fiscal year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of NPS, DHR and the General Accounting Office.

If applicable, the audit must be completed and then both the data collection form and reporting package (described in 2CFR Part 200.512 paragraphs (b) and (c) respectively) must be submitted to the Federal Audit Clearinghouse (FAC) within the earlier of the thirty calendars days after receipt of the auditor’s report or nine months after the end of the audit period. See 2CFR 200.36 for FAC details.

(8) Any Negotiated modifications thereto, all of which are referenced below:

- a. Any publications produced with grant funds must include the language concerning NPS financial assistance and nondiscrimination as shown below:

This publication has been financed in part with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the view or policies of the U.S. Department of the Interior. This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity or facility as described above, or if you desire further information, please write to: Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.

(9) Quarterly Progress Reports are a requirement of the subgrant as they aid DHR in the monitoring of project process or delays. Quarterly Progress Reports, using Attachment S as a guide, must be submitted on or before:

- ❖ **10/15/2019** for Reporting Period 07/15/2019 thru 09/30/2019
- ❖ **01/15/2020** for Reporting Period 10/01/2019 thru 12/31/2019
- ❖ **04/15/2020** for Reporting Period 01/01/2020 thru 03/31/2020
- ❖ **07/15/2020** for Reporting Period 04/01/2020 thru 06/30/2020
- ❖ **FINAL REPORT** to be submitted with Final Product and Final Reimbursement Request on or before **August 30, 2020**, grant end date.



(10) Project Schedule and Availability of Funds – For projects funded in this grant cycle, all work must be performed and costs incurred between July 15, 2019 and August 30, 2020. Per HPF Federal Regulations applicable to DHR, under the overall HPF grant or CLG projects undertaken within the grant, funds not expended for costs incurred prior to September 30, 2020 “expire” and are no longer allowable to draw down from the federal award. **Not completing projects timely may adversely impact the dollar amount of DHR’s future HPF federal awards; which, in turn, may adversely impact future evaluations of the subgrantee’s risk of noncomplying with Federal statutes, regulations and the terms and conditions of subsequent CLG subgrants. Per Federal Regulations, DHR may impose additional conditions and remedies on subgrantees that are regarded a risk or noncompliant; see 2CFR 200.338 and 2CFR 200.207 Specific Conditions on a Subaward.**

Subgrantees shall inform DHR’s CLG Coordinator of any significant problems, delays, or adverse conditions, actual or anticipated, **as soon as they become known** if they might materially affect the products or cause the project to fall behind schedule. The subgrantee should report the situation in the following progress report. Any proposed changes to the project’s scope of work must be submitted to DHR in writing and must be approved in advance by DHR to be considered valid. DHR reserves the right to de-obligate project funds and reallocate them to another CLG, pending NPS approval, in order to ensure their expenditure prior to HPF grant end.

(11) Termination – This agreement may be terminated with applicable termination provisions found in 2CFR 200.339 through 200.342.

(12) Reimbursement Requests may be submitted quarterly along with Quarterly Progress Reports. See sample Invoice Form and Quarterly Report attached. The CLG must both incur and pay project costs prior to requesting reimbursement from DHR; see CLG Grant Manual Reimbursement Guidelines for supporting documentation requirements, etc. Note the Federal and Match Share funds are to be spent concurrently, meaning each time the grantee requests reimbursement from DHR the financial documentation submitted reflects both the federal and matching shares. The federal share of the CLG’s budgeted grant/match ratio will be applied to the total actual documented project expenditures submitted that quarter to calculate the federal funds dispersed to the CLG. Quarterly reimbursement requests are encouraged and accepted; but note until the final product(s) is received and approved by DHR, no final grant reimbursement will be issued.



(13) Final Product Submissions are deliverables/publications that include, but are not limited to grant projects reports; books, pamphlets and magazines; event documentation including programs and photos, websites, exhibits, interpretive signs, etc. NPS deliverables submission guidelines require an index for DHR's Product Submission. Please provide the following in a Word Document or email for each electronic deliverable submitted:

- ❖ Title of Product
- ❖ Filename (Name to suit your needs; file will be renamed per NPS requirement prior to submission)
- ❖ Product Creator (Give full names and their roles in creating the product)
- ❖ Date Completed
- ❖ Extent (pages, length, etc; use when applicable)
- ❖ Description

Sample Index for a Document

-Title: Intensive Survey of East Walters Street, Lafayette, Colorado
-Filename: SHPO_16_WI_CityofLafayette_IntensiveSurveyofEastWaltersStreet.pdf
-Creator: Clyde Banks(historian), William Laurence(historian), Laurence/Banks Architectonics(organizations).
- Date Completed: July 18, 2017
- Extent: 96 pages
- Description: Report on an intensive architectural survey of 31 properties along East Walters Street is divided into four sections: an introductory historic context; a chapter on methodology; a summary of the survey's findings; and an appendix of detailed information for each property found eligible for designation. The survey found that 65 were eligible for local designation, 14 eligible for state designation, and 12 eligible for national designation.



(14) Rights in Data – The subgrantee must grant the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce, use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this Agreement by the subgrantee, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.



IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed, intending to be bound thereby.

CERTIFIED LOCAL GOVERNMENT

COMMONWEALTH OF VIRGINIA DEPT. OF HISTORIC RESOURCES.

SIGNATURE: 

SIGNATURE: 

NAME: ~~Michael Murphy~~ Dr. Tarran Richardson

NAME: Julie V. Langan

TITLE: ~~Interim~~ City Manager

TITLE: Director

DATE: 8.12.19

DATE: 7/30/19

2019/20 CLG Grant Request - 10th & Page Neighborhood Historic Survey

City of Charlottesville

Section D. Budget			
Activity (e.g personnel, equipment, supplies, Consultant/Contract Services, travel, Volunteers, Other) Describe other in lower right hand corner.	Federal Share	Non-Federal Share	Subtotal
Professional Consultant: Research & Prep	\$ 1,628	\$ 2,434	\$ 4,062
Professional Consultant: Survey	\$ 6,857	\$ 10,254	\$ 17,111
Professional Consultant: Deliverables	\$ 12,285	\$ 18,370	\$ 30,655
Professional Consultant: Meetings	\$ 290	\$ 432	\$ 722
Totals	\$ 21,060	\$ 31,490	\$ 52,550
Amount of Grant Request	\$ 21,060	Other:	
Non-Federal Matching Share	\$ 31,490		
Total Project Cost	\$ 52,550		

- Attach Documentation (resumes, vitae, certifications) for all staff that will be associated with this project.
- A 30% Matching share is required. CLGS that can offer a 50% cash match will receive bonus points during the evaluation process.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Approval of Appropriation
Presenter:	Hollie Lee, Chief of Workforce Development Strategies
Staff Contacts:	Hollie Lee, Chief of Workforce Development Strategies
Title:	Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395.00

Background:

In the fall of 2017, staff from Albemarle County Economic Development contacted the City of Charlottesville Office of Economic Development (OED) about partnering to allow non-City residents to participate in the City's GO Driver workforce development program in an effort to train these individuals to become bus drivers for Albemarle County Public Schools (ACPS). OED staff provided a proposal to the County for such training on a cost per participant basis. As part of the first partnership, the OED trained four, non-City residents through the GO Driver program from February to March of 2018, thus resulting in a total training cost of \$4,432.50.

Due to the success of this partnership, in FY 2019, Albemarle County once again allocated funding in the amount of \$13,500.00 for Albemarle County residents to participate in GO training programs. During FY 2019, the OED trained six County residents in the following programs: GO Cook 3, GO Cook 4, GO Solar, and GO Tech. The cost for this training was \$13,395.00. The County has remitted payment to the OED for the training, and this needs to be appropriated to the Workforce Investment Fund (P-00385) in the Capital Improvement Program Fund.

Discussion:

In 2014, the OED piloted the Growing Opportunities (GO) Driver jobs-driven workforce development training program in partnership with Charlottesville Area Transit (CAT). During the 160 hour, six-week training program, participants get a Class B Commercial Driver's License Learner's Permit, a Passenger Sensitivity and Security certificate, a CPR/First Aid certificate, and over 40 hours of workplace readiness and customer service training. Upon successful completion of the program, participants are then eligible for employment with CAT and/or City Pupil Transportation. Since 2014, the OED and CAT have graduated eleven GO Driver cohorts, and 75 individuals have been placed into employment with local transit agencies as a result of their participation in the program.

Due to the success of GO Driver, several other GO programs have been created using the same jobs driven workforce development training model. Some of these include: GO Cook, GO Solar, GO Tech, GO Utilities, GO Electric, etc. The funding that Albemarle County is providing is for County

residents to go through any of these programs that will ultimately result in jobs paying a self-sufficient wage.

Alignment with Council Vision Areas and Strategic Plan:

This effort supports City Council’s “Economic Sustainability” vision and aligns directly with the SAT’s *Growing Opportunity* report that was approved by City Council in 2013.

It also contributes to the following goals and objectives in the City’s Strategic Plan:

Goal 1: An Inclusive Community of Self-sufficient Residents

- Objective 1.2: Prepare residents for the workforce

Goal 4: A Strong, Creative and Diversified Economy

- Objective 4.1: Develop a quality workforce

It aligns with Chapter 3 on Economic Sustainability in the Comprehensive Plan, and more specifically Goal 6, which focuses on workforce development and being an effective partner in creating a well-prepared and successful workforce.

Community Engagement:

Like practically all of the City’s workforce development efforts, its employment training programs are supported by numerous community agencies and organizations. For this particular initiative, the OED was able to continue its partnership with Albemarle County Economic Development and work more closely with the Albemarle Department of Social Services.

Budgetary Impact:

There is no impact to the General Fund. Funds will be appropriated into the Capital Improvement Program Fund.

Recommendation:

Staff recommends approval and appropriation of the funds.

Alternatives:

If funds are not appropriated, the City will have to cover the cost of training for the six, Albemarle County residents who participated in the GO training programs during FY 2019.

Attachments:

- Invoice to Albemarle County Economic Development for the participation of six, County residents in GO training programs from July 2018 to June 2019.



INVOICE

Invoice From:

City of Charlottesville Office of Economic Development
 P.O. Box 911
 Charlottesville, VA 22902
 434-970-3117

DATE: June 4, 2019
INVOICE # 116
FOR: GO Program
 Albemarle County
 Participants - FY2019

Bill To:

Albemarle County Economic Development Office
 401 McIntire Road
 Charlottesville, VA 22902
 434-972-4016

DESCRIPTION	UNIT	AMOUNT
GO Cook 3 - March 2019		
<i>Timothy Brown - 103 Providence Rd., Charlottesville (Applebee's)</i>	1	\$2,400.00
<i>Nicole Cobbs - 4303 Burton Ln., North Garden (Brixx)</i>	1	\$2,400.00
<i>Mildred Cowherd - 1805 Avon St. Ext, Charlottesville (Texas Roadhouse)</i>	1	\$2,400.00
GO Solar - March 2019		
<i>Adrian Walton - 2075 Commonwealth Dr., Charlottesville (Sun Tribe Solar)</i>	1	\$2,014.00
GO Tech - March 2019		
<i>Alhena Cleveland - 1723 Wickham Way, Charlottesville (Goodwin Williams)</i>	1	\$1,781.00
GO Cook 4 - May 2019		
<i>Ryan East - 7091 Burnt Mountain Rd., Afton (Darden/Pippen Hill)</i>	1	\$2,400.00
TOTAL		\$ 13,395.00

Contact Hollie Lee at 434-970-3117 with questions.

Please remit payment to:

City of Charlottesville Office of Economic Development
 ATTN: Hollie Lee
 P.O. Box 911
 Charlottesville, VA 22902

THANK YOU

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	September 3, 2019
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Staff Contacts:	Mike Rogers, Deputy Chief – Operations, Charlottesville Fire Dept.
Title:	Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund) - \$158,343.00

Background:

The Code of Virginia provides for the collection of an annual levy each fiscal period from the insurance industry. Such levy is collected by the State Corporation Commission, and the amounts collected are then transferred into the Fire Program Fund (Firefund). These aid to locality monies are then distributed to the jurisdictions to supplement the localities funding for fire service based training, training supplies, training equipment, prevention activities, and some response equipment. This is an annual allotment of funding. All usage and any carryovers are reported out to the Department of Fire Programs at the end of the fiscal period before the next fiscal period monies are granted. The City of Charlottesville has been awarded \$158,343.00 in these funds for FY 2020.

Discussion:

The Aid to Locality monies are distributed annually to aid departments in their training, prevention, and equipment efforts. While the monies cannot be used to directly/indirectly supplant or replace other locality funds, they help us to provide for additional firefighting training resources, logistics, courses, and equipment as outlined in the Department of Fire Programs Aid to Locality allowable uses chart.

Alignment with Council Vision Areas and Strategic Plan:

The Aid to Locality/Firefund allocation supports the City's mission "We provide services that promote equity and an excellent quality of life in our community" by providing supplemental training and equipment funding for fire prevention, firefighting, hazardous materials, and technical rescue. With this additional funding being put towards these purposes we are better able to prepare our responders to deliver emergency services and/or information to the citizens, students, business community members, and guests of the City.

The assistance from this annual funding allotment also aligns with Goal 2.1, Reduce adverse impact from sudden injury and illness and the effects of chronic disease, as well as the elements within Goal 5 - A Well-managed and Responsive Organization.

Community Engagement:

N/A

Budgetary Impact:

There is no impact to the General Fund, as these are grant funds that do not require a City match. The FY 2020 funds will be budgeted and expensed in the City's grant fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If Aid to Locality funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to help support its training, prevention, and equipment efforts.

Attachments:

N/A

APPROPRIATION

Fiscal Year 2020 Fire Programs Aid to Locality Funding (Firefund)

\$158,343

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$158,343.00 be appropriated in the following manner:

Revenues - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$158,343

\$158,343 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$158,343 from the Virginia Department of Fire Programs.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date: September 3, 2019

Action Required: Appropriation of Grant Funds

Presenter: Amanda Poncy, Bicycle and Pedestrian Coordinator

Staff Contacts: Amanda Poncy, Bicycle and Pedestrian Coordinator;
Kyle Rodland, Safe Routes to School Coordinator

Title: Safe Routes to School Non-Infrastructure Grant Award - \$89,900

Background:

This is the 4th year that the Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant of \$74,500. This grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School. The Non-Infrastructure Grant will also be used to fund a fulltime SRTS coordinator who works within the school division to promote and facilitate Safe Routes to School activities.

Last year, the city received a non-infrastructure grant in the amount of \$77,000 to fund a full-time coordinator and associated program budget to manage, train, and expand Safe Routes to School programming city-wide. The grant provides for a dedicated champion to work within schools to provide education, encouragement and evaluation activities needed to support active transportation for K-8 students.

Discussion:

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70%

live within 1 mile of school). The SRTS APP was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following short-term recommendations were developed to enhance the program:

- Institute bike riding, repair, and safety curriculum (Education)
- Develop a division-wide SRTS website and newsletter (Education)
- Facilitate biking and walking incentive program (Encouragement)
- Regularly host walk- and bike-to-school days (Encouragement)
- Consistently host annual Bicycle Rodeos (Encouragement)
- Conduct bike safety checks (Enforcement)
- Expand the bike helmet give-away program (Enforcement)
- Administer student travel tallies (Evaluation)
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events (Evaluation)

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$74,500 grant request will allow the City to continue to fund a full-time Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP. The grant requires a 20% match in the amount of \$15,400, which will be funded by the Neighborhood Development Services Operating Budget. An additional \$3,225 will be provided as an in-kind donation of bicycle maintenance. As a reimbursable grant, costs will be incurred by Neighborhood Development Services and reimbursed by VDOT.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self-sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public

involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the updates in Feb. 2019.

Budgetary Impact:

There is no impact to the General Fund. The total grant appropriation is \$89,900. Of that amount \$74,500 is the grant award from VDOT, with the remaining funding being the City match for the grant. The grant requires a 20% match (cash or in-kind donations are acceptable), which for this award would be an \$18,625 match for the city. \$15,400 of the City match will come from funds previously appropriated as part of the FY 2020 NDS Operating Budget and local in-kind donations will cover the remainder (\$3,225). For the 2018-2019 school year, the program received approximately \$10,000 in local in-kind and we anticipate being able to secure that level of match again for the 2019 – 2020 school year.

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad-hoc fashion with assistance from community partners and parent volunteers.

Attachments:

Safe Routes to School Activities and Programs Plan <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

Appropriation

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$89,900

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$74,500;

WHEREAS, the SRTS program is a 80% reimbursement program requiring a 20% match from the City, of which \$15,400 will come from Neighborhood Development and the remainder will be in-kind contributions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

REVENUE

\$74,500	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$15,400	Fund: 209	Cost Center: 3901008000	G/L Account: 498010

EXPENDITURES

\$67,400	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
\$22,500	Fund: 209	Cost Center: 3901008000	G/L Account: 599999

TRANSFER FROM

\$15,400	Fund: 105	Cost Center: 3901001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$74,500 from the Virginia Department of Transportation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services
Title:	Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.): \$240,642

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) award is \$240,642 and is a renewal contract for the program from Housing and Urban Development (H.U.D.) for July 1, 2019 – June 30, 2020.

Discussion:

The City of Charlottesville has staff from Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. H.O.P.W.A. is an important resource in our community's efforts to end homelessness. The grant provides services in four key areas.

1. **Tenant-Based Rental Assistance (TBRA):** The Thomas Jefferson Health District (T.J.H.D.) partners with The Haven to provide T.B.R.A. to eligible participants. The T.J.H.D. screens participants for eligibility and inspects the proposed property to ensure that it meets H.U.D. requirements. Upon successful screening, The Haven contacts the landlord to arrange monthly rent payment, similar to rapid re-housing.
2. **Short-term Rental, Mortgage and Utility Assistance:** T.J.H.D. screens eligible participants for short-term assistance including emergency utility payments to avoid shut-off. .
3. **Supportive Services:** T.J.H.D. provides supportive services including crisis intervention, case management and service referrals.
4. **Homeless Management Information System(H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care(C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of

individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication and reduces the need to interface disparate documentation systems.

5. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T.J.H.D. & The Haven to support the supervision of assigned staff.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council's vision for Quality Housing Opportunities for All. Outcomes will demonstrate a coordinated assessment process, individuals and families linked to housing and other resources, and the length of time homelessness was experienced. This grant also fosters the ideals of Community of Mutual Respect and Economic Sustainability by providing services to vulnerable citizens and promoting self-sufficiency.

Budgetary Impact:

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis while managing AIDS/H.I.V.: short-term rental assistance, utility assistance, rapid rehousing, H.M.I.S., and administration.

Attachments:

Sub Grant agreement and amendment are attached.

APPROPRIATION
H.O.P.W.A. Grant \$240,642

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$240,642;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$240,642 is hereby appropriated in the following manner:

Revenues

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$240,642 in funds from the Virginia Department of Housing and Community Development.

**SUB-GRANT AGREEMENT
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM
U.S. Department of Housing and Urban Development**

**HOPWA Project 20-HW-303
(July 1, 2019 to June 30, 2021)**

This Sub-grant Agreement is made by and between the **Virginia Department of Housing and Community Development (DHCD)** and the project sponsor, **City of Charlottesville (Sub-grantee)**. The Sub-grant, which is the subject of this Agreement, is authorized by the Governor of the Commonwealth under a Grant Agreement, executed by and between the U.S. Department of Housing and Urban Development (HUD), and the State of Virginia, the Recipient.

The Sub-grantee was identified as part of the community's emergency response system to homelessness in the 2018-2020 Homeless and Special Needs Housing (HSNH) Housing Opportunities for Persons With AIDS (HOPWA) application submitted by the lead agency (or designee) of the continuum of care (CoC) or balance of state local planning group (LPG). Activities funded through this grant will be provided at the Grantee location(s) identified in DHCD's Centralized Application Management System (CAMS).

The Sub-grant is comprised of an allocation from the United States Department of Housing and Urban Development (HUD) authorized under the Housing Opportunities for Persons With AIDS Grant for federal fiscal year 2019; the federal grant number is VAH19F999 and the Catalog of Federal Domestic Assistance (CFDA) number is 14.241. The Sub-grant is subject to the following terms (as they from time to time may be amended): AIDS Housing Opportunity Act, 42 USC Sec. 12901 et. seq. (the Act); the Housing Opportunities for Persons With AIDS (HOPWA) program rule, 24 CFR 50 and 574 as amended; and the Consolidated Plan rule, 24 CFR 91 as amended; all of which are incorporated herein as part of this Agreement. The Sub-grant is subject to the terms, guidelines and regulations set forth in the 2018-2020 Homeless and Special Needs Housing Guidelines document including the Housing Opportunities for Persons With AIDS (HOPWA) Program Guidelines section, any subsequent amendments, the CoC/LPG proposal as amended through negotiations with DHCD, the DHCD approved Sub-grantee budget, which are incorporated by reference as part of this Agreement, the laws of the Commonwealth of Virginia and federal law.

I. Scope of Services

The funding provided through this sub-grant must be used to carry out activities as specified in the 2018-2020 Homeless and Special Needs Housing Guidelines document including the Housing Opportunities for Persons With AIDS (HOPWA) Program Guidelines section, and any subsequent amendments to the guidelines. Sub-grantee must adhere to the DHCD approved budget and all specified cost category limits as outlined in the guidelines.

HOPWA Cost Category Limits *	
<i>Cost Category</i>	<i>Limits as Percentage of Total Award</i>
Administration	7 percent or less
Housing Information Services	3 percent or less
<i>* See guidelines for details related to cost categories.</i>	

II. Conditions

A. Service Provision

Sub-grantee is responsible for coordination of HSNH HOPWA activities with other HSNH HOPWA Sub-grantees and mainstream resources. Sub-grantee must assure non-duplication of services with other HSNH HOPWA Sub-grantees.

B. Disbursement of Funds

DHCD agrees to provide **\$240,642** to the Sub-grantee to undertake the approved project activities described in the Sub-grantee 2018-2020 Homeless and Special Needs Housing - Housing Opportunities for Persons With AIDS (HOPWA) application for the July 1, 2018 through June 30, 2020 program years. The Sub-grantee must submit, for approval by DHCD, a program budget for the 2019-2020 allocation. Funds must be expended per the approved budget. The Sub-grantee agrees to provide HOPWA funds to non-entitlement localities and to coordinate the provision of services with other HOPWA project sponsors.

Funds are disbursed on a reimbursement basis. Sub-grantees must be able to provide documentation that the work, services, or cost occurred within the grant period and the expenses were paid appropriately by the Sub-grantee. Program funds shall be disbursed to the Sub-grantee on a monthly or bi-monthly reimbursement schedule determined by the Sub-grantee. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

The Sub-grantee must request approval from DHCD for all changes which affect the scope of the project, including but not limited to addition or deletion of an activity, location of services, service area, objectives, timing of activity, and expenditures that will exceed the budget cost category.

DHCD reserves the right to de-obligate and reallocate funds at any point during the contract term.

C. Reporting

Sub-grantees must submit the following reports:

Year-End Report

Year-end reports must be submitted as instructed by DHCD. No future funds will be disbursed until all required reports for the previous fiscal year are submitted to DHCD.

D. Continuum of Care Participation

Sub-grantees must actively participate in the Homeless Management Information System or comparable system (as defined in the HSNH-HOPWA Guidelines) and regional continuum of care or balance of state local planning groups.

E. Accounting

The Sub-grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Sub-grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Sub-grantee shall record in its accounting system all grant payments received pursuant to the

grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the sub-grantee.

F. DHCD Notification

Sub-grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, sub-grantee must notify DHCD should any other local, federal or state agency uncover evidence of any potentially illegal act.

Sub-grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the sub-grantee, the de-obligation of current funding and the preclusion of future funding.

G. Audit

All grantees, sub-grantees, CHDOs, and sub-recipients, localities, developers, or any other organizations that receive funding during a specific program year are required to submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an 2 CFR 200 Subpart F Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures ≤\$100,000 – regardless of source	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 – regardless of source	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures >\$300,000 – regardless of source	Audited Financial Statement prepared by an Independent CPA
Federal expenditures ≥\$750,000	2 CFR 200 Subpart F Audit - prepared by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement,

Audited Financial Statement, and 2 CFR 200 Subpart F Audit only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:
http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf.

H. Compliance

Sub-grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will work with all interested parties toward the resolution of unresolved matters, where appropriate.

I. Maintenance of Records

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

J. Costs Incurred Prior To Grant Agreement Execution

No costs incurred prior to the start date of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD.

K. Expenditure Review

DHCD will monitor expenditure rates to ensure resources are maximized. Failure to expend funds proportionately throughout the contract period may result in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need and available funding.

L. Termination, Suspension, Conditions

This Sub-grantee Agreement shall remain in effect from the date of the signing of the grant agreement until June 30, 2021. Either party shall have the right to cancel this agreement for any reason with a 30 days written notice.

If through any cause, the Sub-grantee fails to comply with the terms, conditions or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Sub-grantee, DHCD may request that all or some of the grant funds be returned, even if the Sub-grantee has already expended the funds. The Sub-grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

M. Subsequent Contracts

The Sub-grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for

the undertaking of all or part of the activities for which the Grant assistance is being provided to the Sub-grantee.

The Sub-grantee agrees to ensure that any contractor or subcontractor who is not the Sub-grantee shall comply with all the lawful requirements of the Sub-grantee necessary to insure that the project for which this assistance is being provided under this Agreement are carried out in accordance with the Sub-Grantee's Assurances and Certifications.

N. Default

A default is any unapproved use of grant funds. Upon due notice to the Sub-grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

(1) direct the Sub-grantee to submit progress schedules for completing approved activities;

(2) issue a letter of warning advising the Sub-grantee of the default, establishing a date by which corrective actions must be completed and putting the Sub-grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;

(3) direct the Sub-grantee to suspend, discontinue or not incur costs for the affected activity;

(4) require the Sub-grantee to reimburse DHCD for costs inappropriately charged to the program;

(5) other appropriate action including, but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Sub-grantee default.

O. Conflict of Interest

Sub-grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the sub-grantee, a parent organization, or subsidiary. Sub-grantees, parent organizations, or subsidiaries may not administer HOPWA assistance and use the assistance for households residing in units owned by the Sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

P. Religious Influence

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under HOPWA. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under HOPWA and participation must be voluntary for program participants.

III. Additional Assurances

A. Sub-grantee will give the Virginia Department of Housing and Community Development, the Comptroller, HUD and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.

B. In accordance with federal law, sub-grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phases of employment or in any phase of service delivery.

IV. Additional Certifications:

The Sub-grantee certifies that it will comply with the following:

(a) Freedom of Information Act (5 U.S.C 552), Virginia Freedom of Information Act;

(b) Virginia Fair Employment Contracting Act;

(c) Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:
- 24 CFR 100 (discriminatory conduct under Fair Housing Act);
- Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on basis of race, color, creed, or national origin);
- 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
- Title VIII of Civil Rights Act of 1968 as amended (prohibiting discrimination based on race, color, national origin, religion, sex, familial status [including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18], and disability);

(d) Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing:
- 24 CFR 146 (nondiscrimination on basis of age in HUD programs);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(e) 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);

(f) 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);

(g) Adhere to Executive Orders 11625, 12432, and 12138, that the Sub-grantee must make efforts to encourage participation of minority and women-owned business enterprises in connection with funded activities;

- Encourage participation of locally-owned enterprises in connection with funded activities;

(h) Assist in carrying out 24 CFR 58 and 58.5 (National Environmental Policy Act [NEPA] of 1069 and other provisions of federal law)

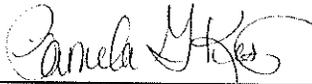
(i) McKinney-Vento Homeless Assistance Program Regulations;

(j) Anti-lobbying Certification;

(k) Drug Free Workplace.

The Grant Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

Virginia Department of Housing and Community Development



Pamela G. Kestner, Deputy Director

July 2, 2019

Date

City of Charlottesville



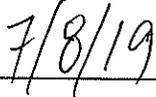
Signature



Name (printed or typed)



Title



Date

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Approval and Appropriation
Presenter:	Kaki Dimock, Director, Human Services
Staff Contacts:	Kaki Dimock, Director, Human Services
Title:	Virginia Housing Solutions Program Grant Award (\$484,785)

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.), applied for and received a grant from the Virginia Department of Housing and Community Development. The Virginia Housing Solutions Program award is \$484,785 and is a renewal contract for the program for July 1, 2019 – June 30, 2020.

Discussion:

The City of Charlottesville has staff from City Manager's Office, Human Services and Social Services, all taking a leadership role in the governance of T.J.A.C.H. V. H. S P. is an important resource in our community's efforts to end homelessness. The grant provides services in several points along the local continuum of services:

1. **Coordinated Assessment:** The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. **Emergency Low Barrier Shelter** P. A. C. E. M. provides a low-barrier shelter for adults using rotating local churches for support.
3. **Rapid Re-Housing & Housing Navigation:** The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. **Case Management:** The Haven provides supportive services including crisis intervention, case management and service referrals.
5. **Homeless Management Information System(H.M.I.S.):** The City of Charlottesville as the award recipient will ensure that H.M.I.S. data is complete through an agreement with T.J.A.C.H. to have the Executive Director ensure data quality. Our Continuum of Care(C.O.C.) has a well-populated database for individuals experiencing homelessness. HMIS collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among T.J.A.C.H. C.o.C. Service Providers expedites communication and reduces the need to

interface disparate documentation systems.

6. **Coalition Coordination:** The Thomas Jefferson Area Coalition for the Homeless provides leadership and coordination for the required local homelessness continuum of care.
7. **Administration:** The City of Charlottesville as the award recipient is eligible for an administrative fee. Staff proposes that we pass these dollars through to T. J. A. C. H.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Budgetary Impact:

This grant will be entirely State, and Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments:

Sub Grant agreement and amendment are attached.

APPROPRIATION
V. H. S. P. Grant \$484,785

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the amount of \$484,785;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$484,785 is hereby appropriated in the following manner:

Revenues

\$386,545	Fund: 209	IO: 1900340	G/L: 430110 State Grant
\$98,240	Fund: 209	IO: 1900340	G/L: 430120 Federal Pass-Thru State

Expenditures

\$484,785	Fund: 209	IO: 1900340	G/L: 530550 Contracted Services
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$484,785 in funds from the Virginia Department of Housing and Community Development.

**GRANT AGREEMENT
VIRGINIA HOMELESS SOLUTIONS PROGRAM
Program Year 2019-2020**

20-VHSP-008

This Grant Agreement is made by and between the **Virginia Department of Housing and Community Development (“DHCD”)**, and **City of Charlottesville (“Grantee”)** for the period **July 1, 2019 to June 30, 2020** in the amount of **\$484,785**. Included in the amount is **\$386,397** in state general funds to be expended for outreach, emergency shelter operations, targeted prevention activities, rapid re-housing activities, centralized/coordinated entry, CoC planning, HMIS, and/or administration as indicated in the DHCD approved budget. Also included is **\$98,388** in federal funds to be expended for rapid re-housing and/or administration expenses incurred July 1, 2019 – March 31, 2020. Rapid re-housing activities are to be divided according to the chart below.

Rapid Re-housing	Allocation
State Rapid Re-housing	\$93,760
Federal Rapid Re-housing	\$98,240

The Grantee was identified as part of the community’s emergency response system to homelessness in the 2018-2020 Homeless and Special Needs Housing (HSNH) Virginia Homeless Solutions Program (VHSP) application submitted by the lead agency (or designee) of the continuum of care (CoC) or balance of state local planning group (LPG). Activities funded through this grant will be provided at the Grantee location(s) identified in DHCD’s Centralized Application Management System (CAMS).

DHCD administers the Commonwealth of Virginia’s homeless services resources through the VHSP. The Grant, which is the subject of this Agreement, is comprised of state funds through State General Fund appropriations and an allocation from the United States Department of Housing and Urban Development (HUD) authorized under the Emergency Solutions Grant for federal fiscal year 2019; the federal grant number is E19DC510001 and the Catalog of Federal Domestic Assistance (CFDA) number is 14.231. The Grant is subject to the terms, guidelines and regulations set forth in the 2018-2020 Homeless and Special Needs Housing Guidelines document, any subsequent amendments, the CoC/LPG proposal as amended through negotiations with DHCD, the DHCD approved Grantee budget, HUD regulations 24 CFR Part 576, as amended, which are incorporated by reference as part of this Agreement, the laws of the Commonwealth of Virginia and federal law.

I. Scope of Services

The VHSP goals are to assist households experiencing homelessness to quickly regain stability in permanent housing and to prevent households from becoming homeless. This funding will support coordinated community-based activities that are designed to reduce the overall length of homelessness in the community, the number of households becoming homeless, and the overall rate of formerly homeless households returning to homelessness.

VHSP funds may be used for one or more of the following activities as detailed in the HSNH guidelines and must coincide with the year one request submitted by the CoC/LPG lead agency and approved by DHCD:

- Outreach
- Centralized or Coordinated Assessment/Entry System
- Targeted Prevention
- Emergency Shelter Operations
- Rapid Re-housing
- CoC Planning
- HMIS
- Administration

II. Conditions

A. Service Provision

The Grantee is responsible for coordination of VHSP activities with other CoC/LPG VHSP Grantees and mainstream resources. The Grantee must assure non-duplication of services with other VHSP Grantees.

B. Reimbursement

Funds are disbursed on a reimbursement basis. Grantees must submit remittances in DHCD's CAMS and be able to provide documentation that the work, services, or cost occurred within the grant period and the expenses were paid appropriately by the Grantee.

Grantees may elect to submit remittances on a monthly or bi-monthly basis. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

C. Reporting

Grantees must submit reports as required by DHCD. Such reports may include, but are not limited to, outcomes and performance reports. Any required reports and their due dates will be announced by DHCD along with any relevant instruction. Submission of reports implies approval from the executive director and is considered final. DHCD reserves the right to withhold reimbursement payments if the Grantee fails to submit the reports.

Year-End Report

The Grantee must submit a year-end report no later than the fifth day of July 2020.

D. Continuum of Care Participation

Grantees must actively participate in the Homeless Management Information System (HMIS) and regional continuum of care or balance of state local planning groups. In addition, Grantees must assure full participation in annual point-in-time and housing inventory counts.

E. Accounting

The Grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Grantee shall record in its accounting system all grant payments received pursuant to the grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the grantee.

F. DHCD Notification

Grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, Grantee must notify DHCD should any other local, federal or state agency uncover evidence of any potentially illegal act.

Grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the Grantee, the de-obligation of current funding and the preclusion of future funding.

G. Audit

All grantees, sub-grantees, CHDOs, and sub-recipients, localities, developers, or any other organizations that receive funding during a specific program year are required to submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an 2 CFR 200 Subpart F Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures ≤\$100,000 – regardless of source	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 – regardless of source	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures > \$300,000 – regardless of source	Audited Financial Statement prepared by an Independent CPA
Federal expenditures ≥\$750,000	2 CFR 200 Subpart F Audit - prepared by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and 2 CFR 200 Subpart F Audit only) - whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:

http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf.

H. Compliance

Grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will work with all interested parties toward the resolution of unresolved matters, where appropriate.

I. Maintenance of Records

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

J. Costs Incurred Prior To Grant Agreement Execution

No costs incurred prior to the start of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD.

K. Expenditure Review

DHCD will monitor expenditure rates to ensure state resources are maximized. Failure to expend funds proportionately throughout the contract period may result in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need, and available funding.

L. Termination, Suspension, Conditions

If through any cause, the Grantee fails to comply with the terms, conditions or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date of termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Grantee, DHCD may request that all or some of the grant funds be returned, even if the Grantee has already expended the funds. The Grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

M. Subsequent Contracts

The Grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the activities for which the Grant assistance is being provided to the Grantee.

The Grantee agrees to ensure that any contractor or subcontractor who is not the Grantee shall comply with all the lawful requirements of the Grantee necessary to ensure that the project for which this assistance is being provided under this Agreement are carried out in accordance with the Grantee's Assurances and Certifications.

N. Default

A default is any unapproved use of grant funds. Upon due notice to the Grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

- (1) direct the Grantee to submit progress schedules for completing approved activities;
- (2) issue a letter of warning advising the Grantee of the default, establishing a date by which corrective actions must be completed and putting the Grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Grantee to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Grantee to reimburse DHCD for costs inappropriately charged to the program;
- (5) other appropriate action including , but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Grantee default.

O. Conflict of Interest

Grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the grantee, the sub-grantee, a parent organization, or subsidiary. Grantees/sub-grantees, parent organizations, or subsidiaries may not administer rapid re-housing or prevention assistance and use the assistance for households residing in units owned by the grantee/sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the grantee or sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

P. Religious Influence

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under VHSP. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under VHSP and participation must be voluntary for program participants.

III. Additional Assurances

- A.** Grantee will give the DHCD, the Comptroller, HUD and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.
- B.** In accordance with federal law, grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phases of employment or in any phase of service delivery.

IV. Additional Certifications:

The Grantee certifies that it will comply with the following:

- (a) Freedom of Information Act (5 U.S.C 552) and Virginia Freedom of Information Act;
- (b) Virginia Fair Employment Contracting Act;

(c) Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:
- 24 CFR 100 (discriminatory conduct under Fair Housing Act);
- Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on basis of race, color, creed, or national origin);
- 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
- Title VIII of Civil Rights Act of 1968 as amended (prohibiting discrimination based on race, color, national origin, religion, sex, familial status [including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18], and disability)

(e) Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at:

- 24 CFR 146 (nondiscrimination on basis of age in HUD programs);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(f) 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);

(g) 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);

(h) Adhere to Executive Orders 11625, 12432, and 12138, that Grantee must make efforts to encourage participation of minority and women-owned business enterprises in connection with funded activities;

- Encourage participation of locally-owned enterprises in connection with funded activities;

(i) McKinney-Vento Homeless Assistance Program Regulations;

(j) Anti-lobbying Certification;

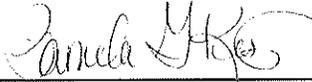
(k) Drug Free Workplace.

If requested by DHCD:

1. A Grantee that is a unit of local government agrees to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 and other provisions of Federal law as specified at 24 CFR 58 and 58.5 and agrees to comply with these NEPA regulations.
2. All Grantees that are not units of local government agree to assist DHCD in carrying out 24 CFR 58 and 58.5.

The Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

Virginia Department of Housing and Community Development



Pamela G. Kestner, Deputy Director

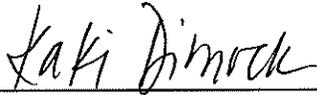
June 25, 2019

Date

City of Charlottesville



Signature



Name (printed or typed)



Title



Date

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Resolution Approval
Presenter:	Alex Ikefuna, NDS Director
Staff Contacts:	Alex Ikefuna, NDS Director, Tony Edwards, Development Services Manager, Lisa Robertson, Chief Deputy City Attorney, Lauren Hildebrand, Utilities Director, Brennen Duncan, City Traffic Engineer, Robert Brown, GIS Analyst, Carrie Rainey, Urban Designer/City Planner, Matt Alfele, Planner
Title:	Revised ROW & Alley Policy

Background:

On April 15, 2019, staff completed evaluation of the City’s existing policies and procedures that address requests to alter or vacate certain streets, alleys, public rights-of-way and public easements. On May 6, 2019, the City Council approved staff recommendations as submitted on the April 15, 2019. Following implementation, staff has identified the need for some procedural clarifications that are necessary in order to assure expeditious review and resolution of applications seeking the alteration or vacation of certain streets, alleys, public rights-of-way and public easements.

Discussion:

The recommendations adopted on May 6, 2019 requires that if an application receives a score of 1.5 or higher on the scoring rubric, staff will deny the application on behalf of the City. However, due to the impact on related rezoning and special use permit applications, staff felt the need to incorporate a proposed vacation and closing as part of any development review process that is related, as well as make adjustment to the scoring rubric. This would require that an application scoring 1.75 or higher would be denied and if below 1.75, that would go to the City Council for consideration. This proposed revisions would more clearly distinguish consideration of requests to vacate existing public streets, versus vacating unaccepted streets and alleys.

The revised procedures now has three categories:

Category A: Alterations or vacations of public rights-of-way (previously dedicated to and accepted by the City). Under this category, if the application is complete and determined to be part of a larger proposed development (such as a rezoning, SUP, subdivision, or site plan) that has been submitted and is under review, staff will guide the application through review and City Council action.

Category B: Vacation of streets or alleys created by subdivision plat – (i) private streets/alleys, or

(ii) public streets/alleys (dedicated, but not accepted by the City). This category deals with a complete application that is determined NOT to be part of a larger proposed development currently under review. The application will go through staff review and City Council process.

Category C: Alteration or vacation of easements dedicated for public use. Under this category, a complete application determined to be a City right-of-way that is currently accepted and/or maintained; staff will guide the application through a review process and City Council action. The application will also be incorporated into the review of the larger development as a whole.

Alignment with City Council's Vision and Strategic Plan:

The proposed project aligns with the City Council Vision of - A Connected Community where citizens of all ages and incomes can easily navigate through their neighborhoods.

Community Engagement:

This is a revision to clarify already adopted procedures by the City Council.

Budgetary Impact:

None.

Recommendation:

Staff recommends that the City Council consider and approve the revisions to the procedures previously adopted on May 6, 2019.

Alternatives:

The City Council may decide not to approve staff recommendations and this would present challenges to future related rezoning and special use permit applications' review.

Attachments:

- Resolution
- Revised procedures.

RESOLUTION
APPROVING UPDATED PROCEDURES FOR THE ALTERATION OF
STREETS, ALLEYS, PUBLIC RIGHTS-OF-WAY AND PUBLIC EASEMENTS

WHEREAS, on July 16, 2018, the Charlottesville City Council (hereinafter “Council”) directed City staff to evaluate the City’s existing policies and procedures that address requests to alter or vacate certain streets, alleys, public rights-of-way and public easements; and

WHEREAS, City staff completed its evaluation and presented a report to City Council on April 15, 2019 and on May 6, 2019 Council voted by motion to approve staff’s recommendations as set forth within the April 15, 2019 report; and

WHEREAS, the Department of Neighborhood Development Services (NDS) has identified procedural clarifications that are necessary in order to assure the most expeditious resolution of applications seeking the alteration or vacation of certain streets, alleys, public rights-of-way and public easements, and recommends that Council consider and approve revisions to the procedures previously approved on May 6, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the attached updated “*City Council Procedures for Consideration of Applications Seeking Alteration or Vacation of Public Easements, or of Certain Public or Private Streets/ Alleys or Public Rights of Way*” are hereby approved, and shall be implemented by staff effective as of the date of approval of this Resolution; and

BE IT FURTHER RESOLVED that adoption of this Resolution shall serve as the vote required by City Code §2-97, authorizing the approval of certain ordinances upon one reading of City Council, as set forth within the Procedures (2019).

BE IT FURTHER RESOLVED that any application proposing to alter or vacate a street, alley, or public right-of-way subject to these approved procedures, where the proposed alteration or vacation receives 1.75 or more points on the Scoring Rubric attached to the approved Procedures will be deemed denied by City Council.

**CITY COUNCIL PROCEDURES FOR CONSIDERATION OF APPLICATIONS
SEEKING ALTERATION OR VACATION OF PUBLIC EASEMENTS, OR OF
CERTAIN PUBLIC OR PRIVATE STREETS/ ALLEYS, OR
PUBLIC RIGHTS OF WAY**

CATEGORY (A):

ALTERATIONS OR VACATIONS OF PUBLIC RIGHTS-OF-WAY (PREVIOUSLY DEDICATED TO AND ACCEPTED BY THE CITY);

CATEGORY (B):

VACATION OF STREETS OR ALLEYS CREATED BY SUBDIVISION PLAT—(i) PRIVATE STREETS/ALLEYS, OR (ii) PUBLIC STREETS/ ALLEYS (DEDICATED, BUT NOT ACCEPTED BY THE CITY), OR

CATEGORY (C):

ALTERATION OR VACATION OF EASEMENTS DEDICATED FOR PUBLIC USE.

Part One: Application Requirements

(1) Any person seeking Council’s consideration of one of the above-referenced application categories may present an application form and supporting materials to the Department of Neighborhood Development Services (“NDS”). The application shall be accompanied by all of the following:

- a. Application Fee, in such amount as may be specified within the most recent fee schedule approved by City Council, payable to the City of Charlottesville;
- b. Copy of the Subdivision Plat or other recorded instrument by which the right-of-way, easement, street or alley (“Area Proposed to be Vacated”) was originally created, including Deed Book/Page Reference and date of recordation, and copies of any related deed(s) and plat(s);
- c. A narrative description of why the application is being proposed, and of what benefit(s) the Applicant is seeking to obtain;
- d. List of all lots adjoining the Area Proposed to be Vacated, and for each adjoining lot, the applicant shall provide: street address, City parcel identification number; name and mailing address of current landowner; and documentation of the applicants request for the the adjoining landowner’s endorsement, as follows:

The Applicant must demonstrate that each of the adjoining landowners was contacted at least ten (10) days prior to the Application date with a request for endorsement; if the Applicant fails to demonstrate this, the Application will be rejected. *(If some adjoining landowners do not endorse the Application, or do not respond to the landowner’s*

contact(s), the Application may move forward for review and consideration so long as the Applicant provides evidence that each of the landowners whose signature does not appear on the endorsement Form was previously contacted by the Applicant regarding the proposed closing). NDS will provide a Landowner Endorsement Form, approved by the City Attorney's Office, for use by applicants.

(2) NDS will reject any application that does not contain all required information and materials. Furthermore:

a. No rezoning application or special use application which includes an Area Proposed to be Vacated shall be scheduled for a public hearing, until all such information and materials have been received, and

b. If, during staff's review of a rezoning or special use permit application, staff determines that development of a specific project would require the alteration or vacation of any areas within Categories (A), (B) or (C), above, then the applicant shall be notified and the rezoning or special use permit shall not be scheduled for a public hearing until an application seeking approval of the alteration or vacation of any such area(s) has been received.

(3) ***Exemptions: Council action is NOT required for the following areas***—The following areas are excluded from Application Categories (A)-(C), and City Council review/approval under this policy is NOT required for alteration or vacation of the following:

a. Easements on private property, previously dedicated to the City for public use for public utilities, public storm sewers or other public drainage facilities; or

b. Easements on private property, established for use by franchised cable operators furnishing cable television, or public service corporations furnishing cable television, gas, telephone, electric service, or fiber for communications services to private property. Alteration or vacation of these easements shall be handled by deeds and plats reviewed in accordance with the City's Subdivision Ordinance and/or other applicable law.

(4) ***Timing of Applications***—

a. *When an Area Proposed to be Vacated is requested to facilitate the development of a specific Project,¹ and that Project requires City Council approval following a public hearing process (e.g., a rezoning (including, without limitation, a PUD) or a special use permit), then the application required by these procedures shall accompany the landowner's zoning application. The purpose of this requirement is so that City Council can hold one public hearing for consideration of all project-related matters which require a public hearing.*

¹ This includes applications that seek vacation, and that propose a vacation with replacement of a new street/alley/ROW in a different location

b. *When the Area Proposed to be Vacated is within the boundaries of a development for which a site plan or subdivision plat approval is required,*² then the application shall accompany the first site plan or subdivision plat presented for consideration by the City. No site plan or subdivision plat, whether preliminary or final, shall be approved by the City's Site Plan or Subdivision Agent, unless and until City Council has acted upon the application submitted in accordance with these procedures.

Part Two: Staff Review

- (1) When the Application is complete, NDS will arrange an appropriate City staff person to have responsibility for guiding the Application through the Staff Review and City Council process. This assigned staff member will be the single point of contact for the Applicant as well as all other City departments regarding the Application.
- (2) City Council has established a Scoring Rubric to be used by Staff in its review of applications in Categories (A) and (B). A completed Scoring Rubric form shall be part of each staff report that is prepared for or in connection with an application. For each application within Category (A) or (B), NDS will circulate the application to all of the following, each of whom shall provide written comments to be included within the Council Agenda Memo Form, and will provide the calculation required by the Scoring Rubric, for his or her area of expertise:
 - a. City Housing Coordinator
 - b. City Traffic Engineer
 - c. City Bicycle Pedestrian Coordinator
 - d. City Planner
 - e. Director of Parks and Recreation
 - f. Director of Utilities
- (3) After staff has completed its review of the Application:
 - a. **If the Application receives a score of 1.75 or higher on the Scoring Rubric:** then the assigned Staff member will notify the Applicant, on behalf of City Council, that the Application is denied. No related rezoning or special use permit application shall be scheduled for a public hearing unless and until the application materials are amended to reflect the denial. No site plan or subdivision plat, preliminary or final, shall be approved, until the plan or plat has been amended to reflect the denial.
 - b. **If the Application receives a score of less than 1.75 on the Scoring Rubric:**

² This includes applications that seek vacation, and that propose a vacation with replacement of a new street/alley/ROW in a different location.

- i If the Area Proposed to be Vacated is within the area of a development project that requires City Council to approve a rezoning or special use permit following a public hearing, then all of the applications related to that proposed development project (including the application submitted under these procedures) may be scheduled for a single public hearing and may proceed through all required reviews. *(Note: any Ordinance approving an application subject to this paragraph shall be subject to the same number of Council readings as the rezoning ordinance or special use permit application).*
- ii If the Area Proposed to be Vacated is within the area of a development project that requires the City's Site Plan or Subdivision Agent to approve a site plan or subdivision plat (preliminary or final) then the application submitted under this policy shall be referred to the Clerk of Council for scheduling of a public hearing date and to the City Attorney's Office for completion of final Council Agenda packet materials. No site plan or subdivision plat shall be approved unless and until City Council has acted on the application submitted under these procedures. *(Any Ordinance approving an application subject to this paragraph shall require only one reading by Council.)*
- iii If the provisions of (i) or (ii), above do not apply, then the application submitted under these procedures shall be referred to the Clerk of Council for scheduling of a public hearing date and to the City Attorney's Office for completion of final Council Agenda packet materials. *(Any Ordinance approving an application subject to this paragraph shall require only one reading by Council.)*
- iv The assigned NDS staff member will prepare the necessary Council Agenda Memo, and will incorporate into the Council Agenda Memo any detailed comments or concerns of the staff whose input was required for completion of the Scoring Rubric along with any other matters to be provided with the NDS staff member's report, analysis and recommendation.

Part Three: City Council Consideration of an Ordinance

- (1) Once a Category (A), (B) or (C) application has been scheduled for a public hearing per Part Two § 3(b)(i), (ii) or (iii), above, the City Attorney's Office will prepare a proposed Ordinance.
- a. Public notice of the scheduled public hearing shall be given in accordance with Virginia Code §15.2-2204. Staff will provide the Applicant with signs giving notice of the public hearing date for the Application. The Applicant shall post the signs and provide verification to Staff that the posting was done at least seven (7) days prior to the public hearing date.

- b. Any person may appear at the public hearing to speak in support of, or to object to, the proposed Ordinance.
- c. NDS Staff shall prepare a staff report, which shall include the completed Rubric Form as well as information and analysis relevant to the issue(s) set forth in subparagraphs (i)-(vi), below. In its consideration of an Ordinance during its first reading (following the public hearing) City Council will give consideration to the following [in addition to any other matters Council may deem relevant]:
 - i. Will vacating the street or alley impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?
 - ii. Are there any public utilities currently located in the area proposed to be vacated? If so, is the applicant offering to allow the City to reserve a public utility easement?
 - iii. Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?
 - iv. ***Only for applications presented per Part Two, § 3(b)(iii), above***—is the Area Proposed to be Vacated part of an established street that is owned by the City, or is a street depicted within the City’s Comprehensive Plan as part of a public street network?

If the answer to either question is “yes”, then before a public hearing is scheduled for Council’s consideration of an Ordinance under these procedures, Application must be referred to the Planning Commission for a Comprehensive Plan review in accordance with Virginia Code §15.2-2232. The Commission will act on the referral within 60 days of Council’s first reading of the ordinance. (The Planning Commission is not required to conduct a public hearing).

Note: for applications presented per Part Two, § 3(b)(i) or (ii), above, review for consistency with the Comprehensive Plan, when required, shall be conducted by the planning commission and city council as part of their review of the related rezoning or SUP application, or in accordance with Va. Code §15.2-2232(D).

- v. If the street or alley is currently owned by the City, and if the purpose of the proposed closing/ vacation is to accommodate expansion or development of an existing or proposed business, does City Council wish

to condition the vacation upon commencement of the expansion or development within a specified period of time?

- vi. If the street or alley is currently owned by the City, does City Council desire staff to negotiate a purchase price with the Applicant and other adjoining property owners?

(2) Prior to acting upon an application submitted under these procedures, City Council will verify that the following have been completed:

- a. If Council has indicated a desire for the area to be purchased by adjoining landowner(s), then the City Attorney's office shall contact the Applicant to negotiate a sales price prior to any second reading of the Ordinance;
- b. If Council has indicated a desire to condition the vacation upon commencement of a development within a specified period of time, then prior to any second reading of the Ordinance Staff shall confer with the Applicant as to what amount of time is anticipated prior to commencement of the development activity;
- c. Prior to scheduling an Ordinance for final action by City Council, the Clerk of Council shall verify with the City Attorney's Office that all matters contemplated to be set forth within a final Ordinance have been incorporated into a final proposed Ordinance for Council's consideration.

Appeals

Va. Code §15.2-2272: when an Application presents matters within the scope of Virginia Code §15.2-2272, then an appeal may be taken to the Charlottesville Circuit Court from a City Council decision to **adopt** an Ordinance vacating a street or alley. Any such appeal must be filed within 30 days after City Council's final decision on the Application.

Va. Code §15.2-2206 when an Application presents matters within the scope of Virginia Code §15.2-2006, then an appeal may be filed within the Charlottesville Circuit Court within 60 days of the adoption of an Ordinance.

Attachment:

Scoring Rubric Form

Approved by Council: May 6, 2019
Revised: 9/__/2019

City of Charlottesville - Alley, Paper Street, and ROW Scoring Rubric

Alley:

Criteria	3	2	1	Raw Score	Weight	Weighted Score
Increase rear access for potential ADU	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] greater than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] Greater than 33% but less than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] less than 33%		x 0.25 =	
Reduction of driveways from primary street	Street that alley will act as an alternate route to has sidewalks and 30+% of properties have driveways	Has driveways and sidewalks on street that alley will act as an alternative route	No sidewalks or driveways on street that alley will act as an alternative route		x 0.2 =	
Bicycle and Pedestrian Circulation	Provides alternative route to existing route on street with AADT** > 1000	Alley acts as parallel route to existing route on street	Walkable		x 0.15 =	
Vehicular access to rear of lot	Through type alley	Dead end but drivable	Not drivable		x 0.1 =	
Reduction of on-street parking demand	Reduce 2 or more cars per block	Reduce 1 car per block	No reduction		x 0.1 =	
Greenway Connectivity	Alley connects to pedestrian route within 350' of recreation areas, parks, and trails	Alley connects to pedestrian route within 700' of recreation areas, parks, and trails	Alley does not connect with or route is greater than 700' of recreation areas, parks, and trails		x 0.1 =	
Utility route	Existing utilities	Through type alley without existing utilities or has overhead utilities crossing alley	Dead end alley without existing utilities		x 0.1 =	
Closure is part of a proposed development or replatting	If an alley, paper street, ROW, or street, is to be closed as part of proposed development requiring a site plan; and/or replatted in a different configuration (-1.5 points)					
Final Score (Sum of all weighted scores)						

ADU* Accessory

Dwelling Unit

AADT** Average Annual

Daily Traffic

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Requested:	Approve Resolution
Presenter:	John C. Blair, II, City Attorney
Staff Contacts:	Garland Williams, Transit Director
Title:	Authorize Transit Director to Sign FTA Documents on Behalf of City

Background:

The Federal Transit Administration requests that a specific City employee be assigned permission to authorize the execution of grant applications and awards, and other transit-related documents, on behalf of the City of Charlottesville. Attached is a Resolution authorizing the City Manager to sign the Designation of Signature Authority form. With the approval of this Resolution, Garland Williams, Transit Director, will be issued a PIN number to sign off on the required documents necessary to meet all FTA requirements.

Alignment with City Council's Vision and Strategic Plan:

Not applicable

Community Engagement:

Not applicable.

Budgetary Impact:

FTA funds will be made available in a timely manner to reimburse the City for costs incurred to operate Charlottesville Area Transit.

Recommendation:

Staff recommends approval.

Attachments:

Resolution
Designation of Signature Authority Form

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager, or his designee, is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Designation of Signature Authority for the Transit Award Management System (TRAMS), authorizing the City Transit Director to execute applications and grant awards, and other transit-related documents on behalf of the City of Charlottesville.

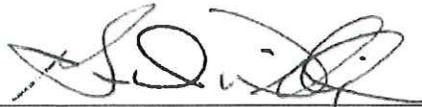


www.CatchTheCAT.org
434-970-3649

Downtown Transit Station
615 East Water Street
CAT Administrative Office
VA 22902

RE: Designation of Signature Authority for FTA Assistance Awards

The City of Charlottesville hereby designates Garland Williams, Director of Transit as authorized to access the Federal Transit Administration’s (FTA) Electronic Application/Award Management System, also referred to as the Transit Award Management System (TRAMS), and use a Personal Identification Number (PIN) to execute the annual Certifications and Assurances issued by the Federal Transit Administration (FTA), to transmit and submit all applications to FTA for Federal assistance on behalf of the officials named below, thus binding the Applicant/Recipient’s compliance with FTA Requirements.



Director of Charlottesville Area Transit

9/6/19

Date

City Manager for the City of Charlottesville

Date



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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 3, 2019
Action Required:	Ordinance Adoption
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend Charlottesville-Albemarle Convention and Visitors Bureau Operating Agreement

Background:

The City of Charlottesville and Albemarle County have jointly funded and undertaken the operation of a joint convention and visitors' bureau since 1979 for the purpose of promoting the Charlottesville Albemarle area as a tourist destination and site for conferences and meetings. Until recently, the Charlottesville-Albemarle Convention and Visitors' Bureau (CACVB) was operated pursuant to a July 1, 2004 agreement between the City and the County. In June 2018, the Albemarle County Board of Supervisors and the City Council adopted a new operating agreement, effective July 1, 2018.

On February 4, 2019, the City Council and Board of Supervisors enacted the first amendment to the 2018 operating agreement.

Discussion:

On August 15, 2019, the CACVB Executive Board adopted a motion to request the City Council and the Board of Supervisors adopt three amendments to the CACVB Operating Agreement.

The first proposed change to the agreement is to designate either the President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce as a CACVB Executive Board member. The current operating agreement states that the City Council and Board of Supervisors members on the CACVB Executive Board will appoint the Chamber of Commerce representative to the Executive Board.

The second proposed change to the agreement is to remove the CACVB Executive Director from the CACVB Executive Board as a non-voting member. The Freedom of Information Act (FOIA) only permits two members of a public body to meet at a time. Since the CACVB Executive Director is a non-voting member of the Executive Board, they may only meet with one other member of the Executive Board at a time without initiating the public meeting requirements of FOIA. This amendment removes the CACVB Executive Director from the board which will permit the Executive Director to meet with two CACVB Executive Board members without

initiating FOIA's public meeting requirements.

The third proposed change to the agreement is to permit an exception to Albemarle County's purchasing policies. Currently, the County's purchasing policies prohibit the purchase of alcohol, and the operating agreement requires the CACVB to comply with the County's procurement policies and ordinances. The third amendment would permit the CACVB Executive Director to purchase alcohol for tourism-related promotional and appreciation events with either the consent of the CACVB Executive Board, the County Executive, or the Albemarle County Chief Financial Officer.

Additionally, the County Attorney's Office is proposing deletion of all references of the transfer of fiscal agency and legal representation from the city to the county as of January 1, 2019. These are clean up amendments that remove reference to that particular date and those references are no longer necessary as the transfer is complete.

Budgetary Impact:

None

Attachments:

Proposed Ordinance

Operating Agreement with marked up proposed amendments

**AN ORDINANCE TO AMEND THE AGREEMENT
TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU**

WHEREAS, the City of Charlottesville (hereinafter "City") and Albemarle County (hereinafter "County") adopted, by ordinance, an Agreement to Operate a Joint Convention and Visitors' Bureau (hereinafter "Agreement") on June 28, 2018; and

WHEREAS, the City and County amended the Agreement on February 4, 2019; and

WHEREAS, the City and County desire to amend the Agreement by removing the Charlottesville-Albemarle Convention and Visitors' Bureau (hereinafter "CACVB") Executive Director from the CACVB Executive Board; and

WHEREAS, the City and County further desire to amend the Agreement by designating the President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce as the Chamber of Commerce's representative on the CACVB Executive Board; and

WHEREAS, the City and County further desire to amend the Agreement by permitting the CACVB Executive Director to purchase alcoholic beverages for tourism-related promotional or appreciation events with the consent of the CACVB Executive Board, the County Executive, or the County Chief Financial Officer; and

WHEREAS, the City and County further desire to amend the Agreement by removing all references about the transition of the fiscal agency and legal representation functions from the City to the County effective January 1, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville that pursuant to Virginia Code Section 15.2-1300, the Agreement is amended as described above and as further detailed in the amendments attached hereto as Exhibit A; and

BE IT FURTHER ORDAINED that the City Manager is hereby authorized to execute the Agreement on behalf of the City, after the City Attorney approves the Agreement as to form.

This ordinance shall be effective immediately.

**FIRST SECOND AMENDED AGREEMENT TO OPERATE
A JOINT CONVENTION AND VISITORS' BUREAU**

THIS AGREEMENT is entered into this ___ day of ~~January~~ October, 2019, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

RECITALS

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.

STATEMENT OF AGREEMENT

The County and the City agree to the following:

1. Convention and Visitors' Bureau Established and Authorized.

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

2. Purpose of the CACVB.

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

3. Organization of the CACVB.

The CACVB shall be organized to have an Executive Board, an Executive Director, and staff serving the CACVB.

A. Executive Board. An Executive Board is hereby established, and its composition and powers and duties are as follows:

- 1. Composition.** The Executive Board shall be composed of the following fifteen voting members ~~and one non-voting member~~:
 - a. Two members of the County Board of Supervisors.
 - b. Two members of the Charlottesville City Council.
 - c. The County Executive or his designee.

- d. The Charlottesville City Manager or his designee.
 - e. The County Director of Economic Development or his designee.
 - f. The City Director of Economic Development or his designee.
 - g. The Executive Vice President of the University of Virginia or his designee.
 - h. One tourism industry organization representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
 - i. One tourism industry organization representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
 - j. One representative of the arts community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - k. One representative of the recreation community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
 - l. ~~One representative of the Chamber of Commerce jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(e)~~ The President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce or designee.
 - m. The President or Chief Executive Officer of the Thomas Jefferson Foundation or his designee.
 - n. ~~The Executive Director of the CACVB (non-voting member).~~
2. **Appointments to the Executive Board.** Appointments to the Executive Board shall be made as follows:
- a. **Appointment of Members of the County Board of Supervisors and the Charlottesville City Council; Alternates.** The members of the County Board of Supervisors and the Charlottesville City Council who serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointees cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
 - b. **Appointment of Representatives of Tourism Industry Organizations; Term.** The tourism industry representatives identified in Sections 3(A)(1)(h) and (i) shall be appointed by a majority vote of the members of the County Board of Supervisors or the Charlottesville City Council, respectively, present and voting. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
 - c. **Appointment of Representatives of the Arts and Recreation Communities and the Chamber of Commerce; Term.** ~~The arts and recreation community representatives and the Chamber of Commerce representative identified in Sections 3(A)(1)(j) and (k), and (l)~~ shall be made by a majority of the four members of the County Board of Supervisors and the Charlottesville City Council appointed to the Executive Board. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.

3. **Powers and Duties of the Executive Board.** The Executive Board shall:
- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.
 - b. **Adopt By-laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
 - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
 - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs, and establish performance measures and indicators.
 - e. **Hold Meetings; Quorum; Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Eight voting members of the Executive Board physically present at the meeting constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
 - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.
 - g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
 - h. **Appoint the Executive Director; Performance; Termination.** Appoint the Executive Director, who shall serve at the pleasure of the Executive Board, and evaluate the Executive Director's performance each year. If the CACVB does not have an Executive Director or an interim Executive Director on July 1, 2018, until the Executive Board appoints an interim or permanent Executive Director, the County shall provide an employee currently on its payroll to serve as an interim Executive Director for the CACVB, commencing July 1, 2018 and continuing only until such time as the newly constituted Executive Board has appointed an interim or permanent Executive Director.
 - i. **Offices.** Provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
 - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
4. **Attendance.** Members of the Executive Board or their designees are expected to attend all regular meetings of the Executive Board. The Executive Board may request the County Board of Supervisors or the Charlottesville City Council, as the case may be, to replace any Executive Board Member appointed by that body, or the designated members thereof, to replace any Member who is absent, or whose designee is absent, from more than three regular meetings during a calendar year.

B. **Executive Director.** The position of Executive Director is hereby established. The powers and duties of the Executive Director are as follows:

1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:
 - a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A**, incorporated by reference herein.
 - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African-American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
2. **Budgeting.** Recommend an annual budget to the Executive Board.
3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Committee, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and services in compliance with the County's procurement laws and procedures, or may delegate procurement responsibilities to the County's purchasing agent. As an exception to the County's procurement laws and procedures, the Executive Director or the County's purchasing agent, if delegated procurement responsibilities under this section, may contract for or purchase alcoholic beverages for tourism-related promotional and appreciation events and familiarization tours with the advance written approval of (i) the Executive Board or (ii) the County Executive or (iii) the County Director of Finance/Chief Financial Officer.
4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.

4. **Funding the CACVB.**

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax

revenues collected by it in the most recent Fiscal Year (“Actuals”). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent, that Party’s funding obligation under the formula in this subsection is not changed by the increase in the tax rate for the Transient Occupancy Tax.

- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB’s records.
- F. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County’s and the City’s obligation to fund the CACVB is expressly contingent upon the availability of public funds derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City’s appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City’s Charter.

5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City’s charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

6. Duration of this Agreement; Termination.

This Agreement shall be effective ~~on July 1, 2018~~ as of October 2, 2019, and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months’ written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.

- C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

7. **Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
 - 1. **Return on Investment.** Meet a return on investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
 - 2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
 - 3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.
- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

8. **Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** ~~The City will continue to serve as Fiscal Agent for the CACVB through December 31, 2018. Effective January 1, 2019, the~~ County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** ~~The City Attorney will continue to provide legal services to the CACVB through December 31, 2018. Commencing on January 1, 2019, the~~ County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services. ~~If the County Attorney anticipates any such conflict(s), he shall advise the Executive Board prior to January 1, 2019.~~
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:

1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.
 - a. **Transition of Employees Hired Prior to July 1, 2018.** Effective January 1, 2019, or as soon thereafter as the County and the City have created and funded an Employee Transition Plan, any person who was hired prior to July 1, 2018 to perform services for the CACVB shall be transitioned to become an employee of the County and shall be classified within the County's pay system and shall be paid in accordance with the County's payroll system and policies and its personnel policies. Until January 1, 2019, all such employees shall remain within the City's personnel/payroll system.
 - b. **Pay and Benefits for Transitioning Employees.** Within their Employee Transition Plan, the City and the County shall provide benefits and funding, as necessary to assure, to the fullest extent practicable, that no employee will lose pay or retirement benefits as a result of making the transition from City to County employment. With respect to retirement benefits, it is the intention of the Parties to keep each person transitioning from City to County employment whole, and to ensure that they neither lose retirement credit for time employed nor monetary contributions made to the City's retirement plan.
2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

~~F. **Sooner Transfer of Fiscal Agency.** Notwithstanding the January 1, 2019 date for fiscal agency to transfer from the City to the County as provided in this section, fiscal agency may transfer sooner if the County and the City have created and funded the Employee Transition Plan as provided in subsections 8(F)(1)(a) and (b) and the County and the City are otherwise prepared for fiscal agency to transfer.~~

9. **Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

10. **Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

11. **Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:
 1. **Ownership.** The materials are jointly owned by the County and the City.

- 2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.
 - 3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.
- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.
 - C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.
 - D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.
 - E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.
 - F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
 - G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

IN WITNESS WHEREOF, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
City Manager

Approved as to Form: _____
City Attorney

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
County Executive

Approved as to Form: _____
County Attorney

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 3, 2019
Action Requested:	Public Hearing and 1 st Reading on Ordinance
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities John Blair, City Attorney
Title:	Release of a Portion of a Gas Line Easement: Shops at Stonefield

Background: In January of 2015, the City acquired a natural gas line easement across property designated as Albemarle County Tax Map Parcel 61A-3-19A, located in the Shops at Stonefield shopping center. The proposed building (C&F Bank) in the Stonefield shopping center will encroach into the easement and the property owner and the Department of Utilities have agreed to relocate a portion of the easement. At the request of the Department of Utilities, an ordinance releasing a portion of the 2015 easement, a Deed of Partial Release, and the plat depicting its location have been prepared. The property owner has already granted a new easement for the relocated portion of the gas line easement (Albemarle County Deed Book 5202, Page 363).

Discussion: The easement to be partially released was granted to the City in 2015. The Department of Utilities has no objection to the release of this small portion of the easement in order to cure the encroachment.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact: None.

Recommendation: Staff recommends approval of the ordinance releasing a portion of the existing gas easement.

Attachments: Ordinance and Deed of Release of Easement (with plat attached).

**AN ORDINANCE
AUTHORIZING THE RELEASE OF
A PORTION OF A NATURAL GAS EASEMENT GRANTED TO THE CITY BY
OCT STONEFIELD PROPERTY OWNER, LLC**

WHEREAS, OCT Stonefield Property Owner, LLC is the current owner of property located at 3924 Lenox Avenue in The Shops at Stonefield shopping center in the County of Albemarle (Albemarle Tax Map Parcel No. 61W-3-19A); and

WHEREAS, OCT Stonefield Property Owner, LLC has requested release of a portion of the permanent natural gas easement granted to the City by deed dated January 8, 2015, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 4576, page 428, in order to cure an existing encroachment of their building into the easement area, as shown on a plat made by W/W Associates, dated July 18, 2019; and

WHEREAS, the Director of Utilities has reviewed the request and determined that the City has no objection to releasing said portion of the above described easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the partial release of this easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Release of Easement, in form approved by the City Attorney, to release a portion of the above-described natural gas easement.

*Prepared by John C. Blair, II, Esq. (VSB #65274)
Charlottesville City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902*

Albemarle Tax Map 061W0-03-00-019A0 (Shops at Stonefield)

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS DEED OF PARTIAL RELEASE OF EASEMENT, made and entered into this _____ day of _____, 20____, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantor, hereinafter “City”, and **OCT STONEFIELD PROPERTY OWNER, LLC**, a Delaware limited liability company, “Grantee”, whose address is 240 Royal Palm Way, Suite 201, Palm Beach, Florida 33480.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City hereby VACATES, ABANDONS, QUITCLAIMS and EXTINGUISHES all right, title and interest to a portion of the natural gas easement acquired by the City by Deed of Easement dated January 8, 2015, of record in the Clerk’s Office for the Albemarle County Circuit Court in Deed Book 4576, page 428. The vacated easement area is located on property owned by Grantee near Blackbird Lane in Albemarle County, and shown as a cross-hatched area labeled “Areas of Gas Line Easement To Vacate” on the attached plat dated July 18, 2019, made by W/W Associates.

WITNESS the following signature and seal.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Nikuyah Walker, Mayor

STATE OF VIRGINIA
City of Charlottesville

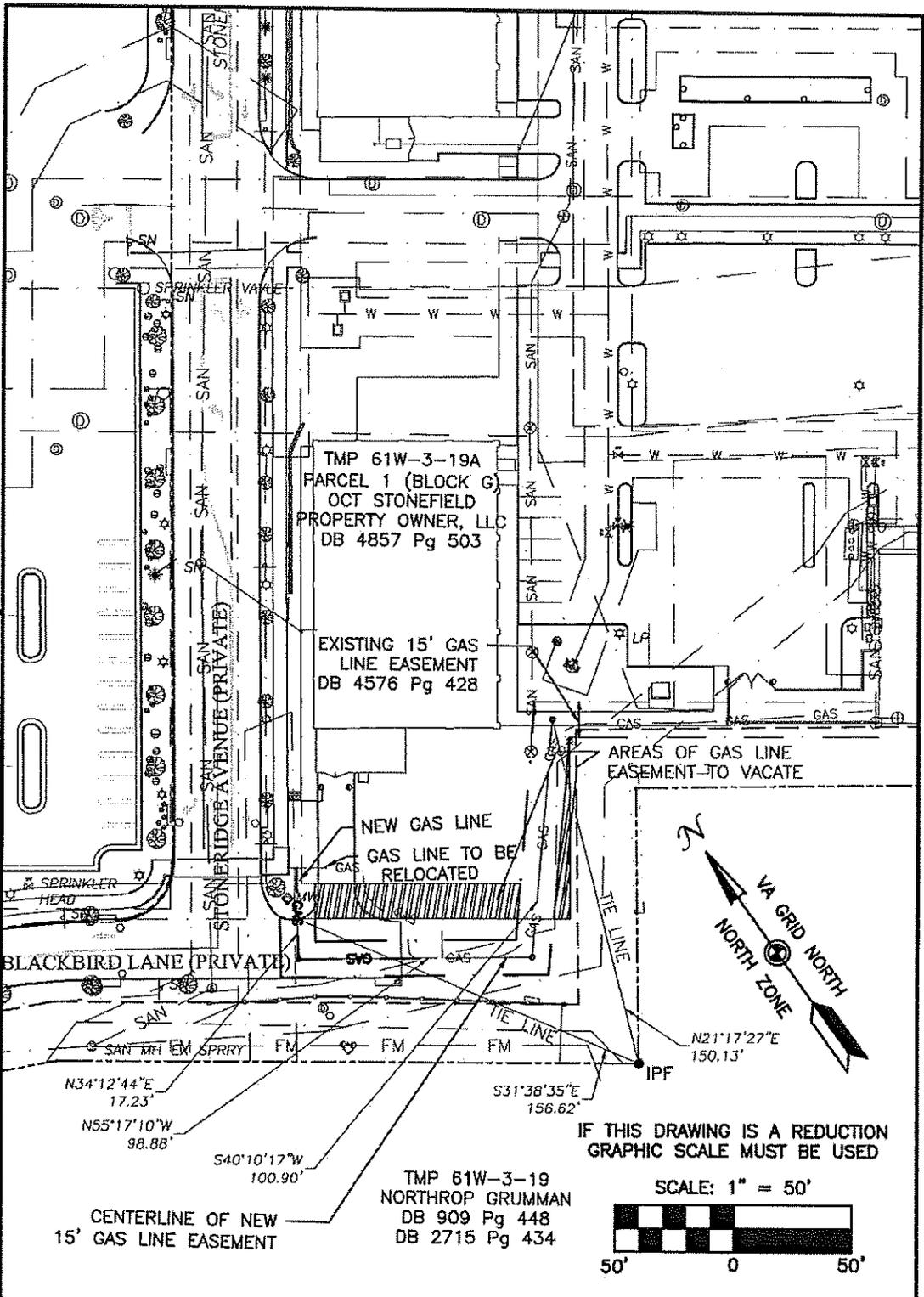
The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and State, by Nikuyah Walker, Mayor of the City of Charlottesville, on this _____ day of _____, 20____.

My commission expires: _____

Notary Public

Registration #: _____

M:\217036 Stonerified for OCP\217036.04 C&F Bank FSP Amendment\703604C_GAS_ESMT_PLAT.dwg



COMMONWEALTH OF VIRGINIA
 7/18/19
 EARL W. MOTTLEY
 Lic. No. 1625
 LAND SURVEYOR

PLAT SHOWING RELOCATION AND
 VACATION OF A PORTION OF CHARLOTTESVILLE
 GAS LINE EASEMENT
 ON OCT STONEFIELD PROPERTY OWNER, LLC
 JACK JOUETT MAGISTERIAL DISTRICT
 ALBEMARLE COUNTY, VIRGINIA

SCALE: 1"=50'	DRAWN BY: SHEET	WWA NUMBER:
DATE: 7/18/19	EWM 1 OF 1	217036.04

W
W
 ENGINEERS
 SURVEYORS
 PLANNERS
ASSOCIATES

PO Box 4119 3040 Avermore Square Pl.
 Lynchburg, VA 24502 Charlottesville, VA 22911
 Phone: 434.316.6080 Phone: 434.984.2700
 www.wvasociates.net

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 3, 2019
Action Required:	Public Hearing and 1 st Reading on Ordinance
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities John Blair, City Attorney
Title:	Valley Road, Monroe Lane and Jefferson Park Avenue Easements to the University of Virginia

Background:

In 2007 at the request of the University of Virginia (UVA), City Council approved a proposal to close and vacate a portion of Valley Road to mitigate cut-through traffic from the South Lawn Project and to accommodate requests from the adjacent neighborhood if utility and pedestrian access easements were granted to the City by the University of Virginia. The closing and vacation of Valley Road also required a sidewalk (already completed) in the pedestrian access easement location. In 2014, UVA granted the City the utility and pedestrian access easements in a portion of Valley Road.

In 2016, UVA developed a Master Plan to redevelop several properties adjacent to Brandon Avenue, to be constructed as a model green student community that will include academic spaces, student wellness facilities, student housing and a central “green street.” Brandon Avenue is centrally located near the Health System, the South Lawn, and Jefferson Park Avenue. The redevelopment project envisions multi-functional green space, enhanced pedestrian connections, and a mix of uses for the student community. UVA is nearing completion of the student housing building and has started construction on the wellness facilities.

Discussion:

UVA has requested the City vacate a utility easement and a pedestrian access easement in a portion of Valley Road. This request is to accommodate the construction for the Brandon Avenue project and the proposed buildings. In addition, UVA has submitted to the City a utility easement and pedestrian access easement in the same area that will accommodate the proposed buildings. The City has reviewed the easements and they will meet the City’s needs. The City’s approval should be conditioned upon UVA granting the City the new utility and pedestrian access easements.

UVA has requested the City approve an easement to allow a connection of a new UVA water line to an existing UVA water line in Jefferson Park Avenue. UVA has also requested the City approve

easements for a fiber optic line in Jefferson Park Avenue and Monroe Lane. These connections are to accommodate the Brandon Avenue project. The Departments of Utilities, Public Works, and Neighborhood Development Services have reviewed the request for easements and find them acceptable.

Alignment with City Council’s Vision and Strategic Plan:

The project supports City Council’s “Green City” and “A Center for Lifelong Learning” vision. It contributes to Goal 3: A Beautiful and Sustainable Natural and Built Environment, and Objective 3.1: Engage in robust and context sensitive urban planning and implementation.

Community Engagement:

A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a public interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing

Budgetary Impact:

There is no budget impact to the City.

Recommendation:

Staff recommends approval of the vacation of the utility and pedestrian access easements conditional upon UVA granting the City utility and pedestrian access easements in another location in Valley Road. Staff also recommends approval of the easements for the waterline in Jefferson Park Avenue and the fiber optic line in Jefferson Park Avenue and Monroe Lane.

Alternatives:

Council could choose to deny the request and UVA would not be able to provide the needed infrastructure for the Brandon Avenue project.

Attachments:

Proposed Ordinance
Proposed Deed of Vacation and Deed of Easement with associated Plats

**AN ORDINANCE
TO VACATE CERTAIN EASEMENTS NEAR VALLEY ROAD
AND TO GRANT EASEMENTS FOR FIBER OPTIC AND WATER LINES
IN JEFFERSON PARK AVENUE AND MONROE LANE TO THE
UNIVERSITY OF VIRGINIA**

WHEREAS, the University of Virginia (“UVA”) has developed a Master Plan to redevelop multiple properties along Brandon Avenue, Jefferson Park Avenue, Monroe Lane and Valley Road (“Brandon Avenue Project”); and

WHEREAS, the Brandon Avenue Project requires installation of new fiber optic lines, utility lines, bike and pedestrian trails, and other facilities, some of which will be located in the public rights-of-way and require easements from the City; and

WHEREAS, the proposed easements to be granted by the City to UVA have been reviewed and found acceptable by Neighborhood Development Services, Public Utilities and Public Works, and are shown on the attached plat dated March 5, 2019 (fiber optic lines), and the attached plat dated May 8, 2019 (water line); and

WHEREAS, the City’s Department of Utilities has reviewed the request to release the utility and pedestrian access easements, shown on the attached plat dated June 28, 2019, granted by UVA to the City in 2014, and has no objection to the release because new easements for such purposes are being granted by separate deeds of easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), an advertised public hearing was held to give the public an opportunity to comment on the release of the 2014 easements and the grant of the fiber optic and water line easements to UVA; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that this City Council does hereby:

- (1) Release the existing 2014 public utility and pedestrian access easements located near Valley Road on UVA property, as shown on the plat dated June 28, 2019, conditioned upon UVA simultaneously granting the City of Charlottesville utility and pedestrian access easements in substantially the same area;
- (2) Grant an easement for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, as shown on the plat dated March 5, 2019; and
- (3) Grant an easement for water lines in the Jefferson Park Avenue right-of-way, as shown on the plat dated May 8, 2019.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute: (1) Deed of Release of Easement, in form approved by the City Attorney, to vacate and release the public utility and pedestrian access easement acquired by the City by deed dated September 11, 2014, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument No. 2014004270; and (2) Deed of Easement granting easements for fiber optic lines in the Jefferson Park Avenue and Monroe Lane rights-of-way, and a water line in the Jefferson Park Avenue right-of-way.

Prepared by John C. Blair, II, Esq. (VSB #65274)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902

Tax Map Parcels 110028000; 110082000; 110091000

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS DEED OF ABANDONMENT OF EASEMENTS made this _____ day of _____, 2019, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**, an educational institution of the Commonwealth of Virginia, GRANTEE, whose address is P.O. Box 400884, Charlottesville, Virginia 22904-4884.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, addressed as 1540 Jefferson Park Avenue, 500 Valley Road, and 417-419 Brandon Avenue, and designated on City Real Estate Tax Map 11 as Parcels 28, 82 and 91, respectively (the "Property"); and

WHEREAS, by recordation of a Deed of Dedication, Consolidation, Resubdivision, Easement and Vacation, dated September 11, 2014, of record in the Charlottesville Circuit Court Clerk's Office as Instrument 2014004270, the CITY was conveyed a general utility easement and right of way for the installation and maintenance of public utility facilities across the Property, and a pedestrian access easement and right-of-way for pedestrian ingress and egress by the public across the Property (hereinafter, the "Easements"); and

WHEREAS, GRANTEE has requested the City to abandon and release the above-described Easements granted to the City in 2014, because the public utility facilities and pedestrian access area are being relocated slightly, and new easements to the City have been granted; and

WHEREAS, the CITY has agreed to abandon and release the Easements as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on _____, 2019.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby VACATE, ABANDON, QUITCLAIM and RELEASE all its right, title and interest in and to the Easements acquired by the CITY by the above-referenced deed dated September 11, 2014, and shown on a plat dated June 28, 2019 made

by Dewberry Engineers, Inc., attached hereto and made a part hereof.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 2019.

WITNESS the following signature.

GRANTOR:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Nikuyah Walker, Mayor

APPROVED AS TO FORM:

John C. Blair, II, City Attorney
City of Charlottesville, Virginia

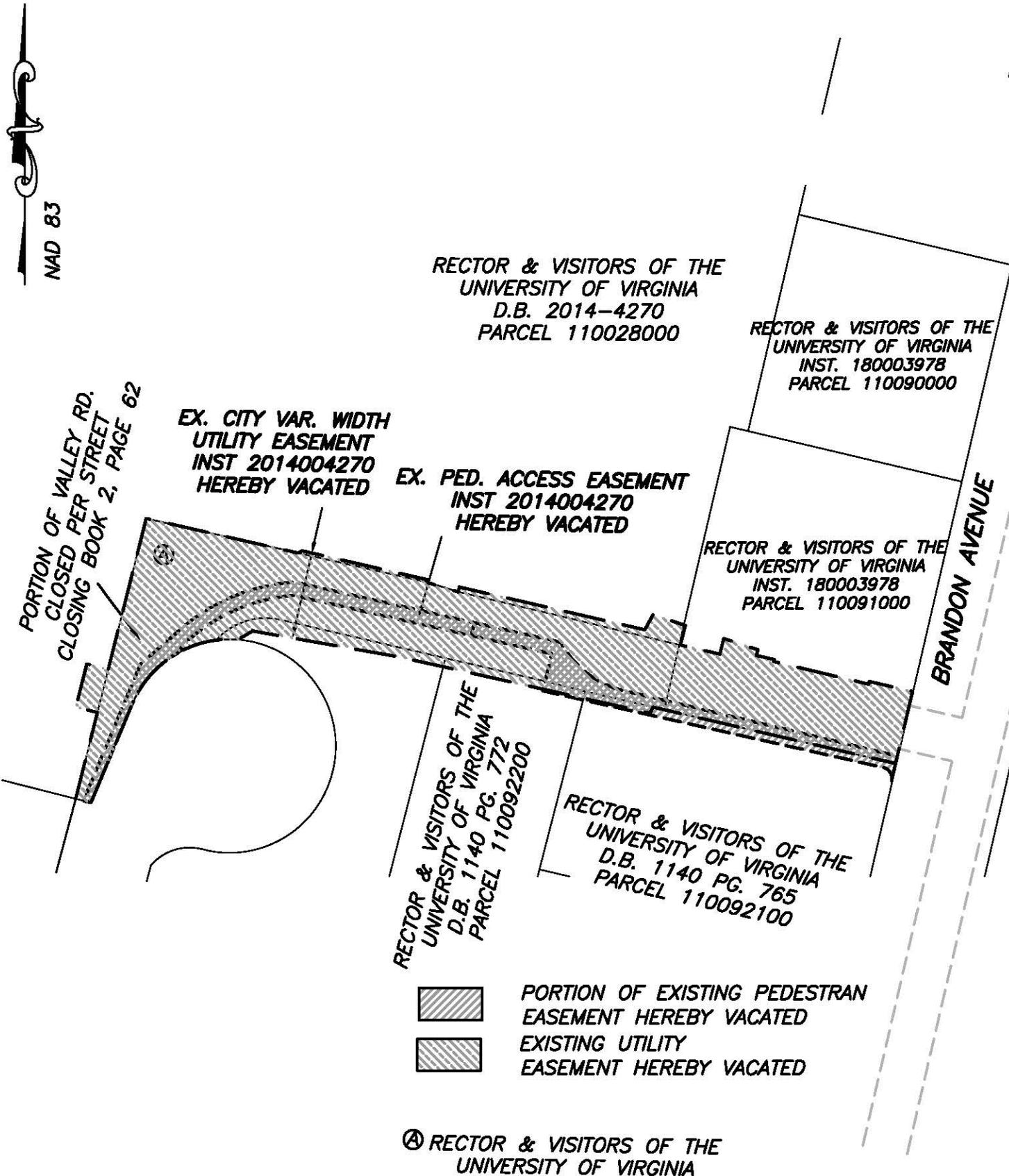
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY

NAD 83



RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
D.B. 2014-4270
PARCEL 110028000

RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
INST. 180003978
PARCEL 110090000

EX. CITY VAR. WIDTH
UTILITY EASEMENT
INST 2014004270
HEREBY VACATED

EX. PED. ACCESS EASEMENT
INST 2014004270
HEREBY VACATED

RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
INST. 180003978
PARCEL 110091000

PORTION OF VALLEY RD.
CLOSED PER STREET
CLOSING BOOK 2, PAGE 62

BRANDON AVENUE

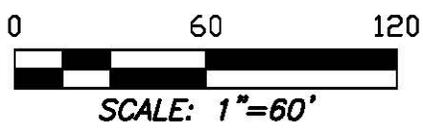
RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
D.B. 1140 PG. 772
PARCEL 110092200

RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
D.B. 1140 PG. 765
PARCEL 110092100

 PORTION OF EXISTING PEDESTRIAN
EASEMENT HEREBY VACATED

 EXISTING UTILITY
EASEMENT HEREBY VACATED

Ⓐ RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
INST. 2014-004270



PLAT SHOWING VACATION OF
EXISTING PEDESTRIAN
EASEMENT AND EXISTING
VARIABLE WIDTH UTILITY
EASEMENT RECORDED IN INST.
2014004270
CITY OF CHARLOTTESVILLE ~ VIRGINIA

SHEET 1 OF 1

JN 50090099	DATE: 6/28/19
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 **Dewberry**®

Dewberry
Engineers Inc

4805 Lake Brook Drive
Glen Allen, VA 23060
PHONE: 804.290.7957
FAX: 804.290.7928
www.dewberry.com

Prepared by: John C. Blair, II (VSB #65274)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902

Tax Map 11 (Jefferson Park Avenue and Monroe Lane)

This deed is exempt from state recordation taxes
pursuant to Virginia Code §§ 58.1-811(A)(1) and 58.1-811(C)(4).

THIS DEED made this _____ day of _____, 2019, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, hereinafter called Grantor, and **THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**, an educational institution of the Commonwealth of Virginia, whose address is P.O. Box 400884, Charlottesville, Virginia 22904-0884, hereinafter called Grantee;

WITNESSETH:

That for the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby grant unto Grantee the following described easements in the Jefferson Park Avenue and Monroe Lane rights-of-way for fiber optic lines and water lines, hereinafter referred to as the "Facilities":

(1) A private communications easement, and such piping, conduit, electrical and related Facilities as Grantee desires to place in such duct bank, located within the rights-of-way of Jefferson Park Avenue and Monroe Lane, as shown on a plat prepared by Dewberry Engineers, Inc, entitled "Plat of 20' Private Communications Easements To Be Dedicated to Rector & Visitors of the University of Virginia, City Of Charlottesville, Virginia", dated March 5, 2019, which is attached hereto and made a part of this deed; and

(2) A 20' wide water line easement, and such lines, pipes, and facilities connected therewith, located within the right-of-way of Jefferson Park Avenue, as shown on a plat prepared by Dewberry Engineers, Inc, entitled "Plat Showing A 20' Private Water Line Easement Granted to The Rector And Visitors of the University of Virginia, City of Charlottesville, Virginia", dated May 8, 2019, which is attached hereto and made a part of this deed.

The Facilities constructed by Grantee shall remain the property of Grantee. Grantee shall have the right to inspect, rebuild, repair, improve and make such changes, alterations, additions to or extensions of its Facilities within the boundaries of said easement which are consistent with the purposes expressed herein. All construction, maintenance, equipment and facilities shall comply with any applicable laws, regulations or codes.

Grantee shall restore Grantor's premises, including the right-of-way, as nearly to its original condition as practicable, including backfilling of trenches, reconstruction of sidewalks, curbs or roads, reseeding of lands, removal of trash and debris, and removal of any of Grantee's equipment, accessories or appurtenances not consistent with the

construction, maintenance or operation of said Facilities or the exercise of any rights or privileges expressed herein. Grantee shall maintain said Facilities in such repair as not to endanger or otherwise limit the enjoyment and use of adjacent properties.

Grantee shall have the right of ingress to and egress from said easements over the lands of the Grantor. Grantee shall exercise such right in such manner as shall not occasion injury or unreasonable inconvenience to the Grantor or the public. Grantee shall at Grantor's election pay for or repair any injury to any of Grantor's land, structures, roads, fences, sidewalks, curbs and other improvements caused by Grantee, its employees, agents or contractors. Grantee shall notify Grantor immediately of any such injury, and shall make said payment or repair as soon as reasonably possible but not to exceed thirty (30) days after such injury occurs. Grantee shall be responsible for the payment of those claims for personal injury or death arising out of any act or omission of its employees or agents in connection with the exercise of its rights hereunder for which it is held liable under applicable law. Nothing contained herein shall be deemed an express or implied waiver of the sovereign immunity of Grantee.

Grantor, its successors and assigns, may use said right-of-way for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient construction, operation or maintenance of Grantee's Facilities. Grantor's use of the right-of-way as a public road shall not in any way be construed to constitute interference with the construction, operation or maintenance of Grantee's Facilities.

These easements shall be in effect for a period of forty (40) years; however, if Grantee at any time discontinues use of all or any portion of the easements herein conveyed for a period of one (1) year, all of Grantee's rights and interest in said easements or portion thereof shall terminate and revert to Grantor, its successors and assigns, and Grantee shall at its expense remove any Facilities and restore Grantor's property as nearly to its original condition as practicable, and on written request by Grantor, Grantee shall quitclaim and release same.

If either party at any time deems it necessary or advisable to relocate for Grantor's convenience any of Grantee's Facilities installed and used pursuant to this deed of easement, Grantee shall relocate such Facilities to a route or place mutually agreed upon between Grantor and Grantee; provided Grantor, for no additional consideration, shall grant unto Grantee such easements as may be necessary to effect such relocation, subject to the same rights, privileges and conditions, as hereinabove set forth. If such relocation is for the convenience of Grantee, Grantee shall pay the costs of such relocation and restoration of Grantor's property. If such relocation is for the convenience of Grantor, Grantor shall reimburse Grantee the costs of such relocation and restoration of Grantor's property. Upon relocation of any of the Facilities from any portion of the easements hereby granted, that portion of the easement shall automatically terminate and all rights, title and interest therein shall revert to Grantor. Upon receipt of written request from Grantor, Grantee shall execute a deed of quitclaim to evidence such reversion to Grantor.

Both Grantor and Grantee agree and attest that no other agreement, either written

or implied, has been entered into by either or both parties except as expressed hereinabove, in regard to this specific subject matter.

Grantor covenants that it is seized of and has the right to convey these easements, that Grantee shall have quiet possession, use and enjoyment of the easements, and that Grantor shall execute such further assurances thereof as may be required.

[SIGNATURE PAGES TO FOLLOW]

WITNESS the following signatures and seals:

THE RECTOR AND VISITORS OF
THE UNIVERSITY OF VIRGINIA

Jennifer W. Davis
Executive Vice President &
Chief Operating Officer

STATE OF VIRGINIA
COUNTY/CITY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Jennifer W. Davis for The Rector and Visitors of the University of Virginia.

My commission expires: _____.

Registration Number: _____

NOTARY PUBLIC

Reviewed and Approved as to
Form and Legal Sufficiency:

Pamela H. Sellers
Associate University Counsel
Special Assistant Attorney General

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 20____.

CITY OF CHARLOTTESVILLE, VIRGINIA

Nikuyah Walker, Mayor

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Nikuyah Walker, Mayor of the City of Charlottesville, Virginia.

My commission expires: _____

Registration Number: _____

NOTARY PUBLIC

Approved as to Form:

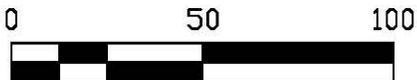
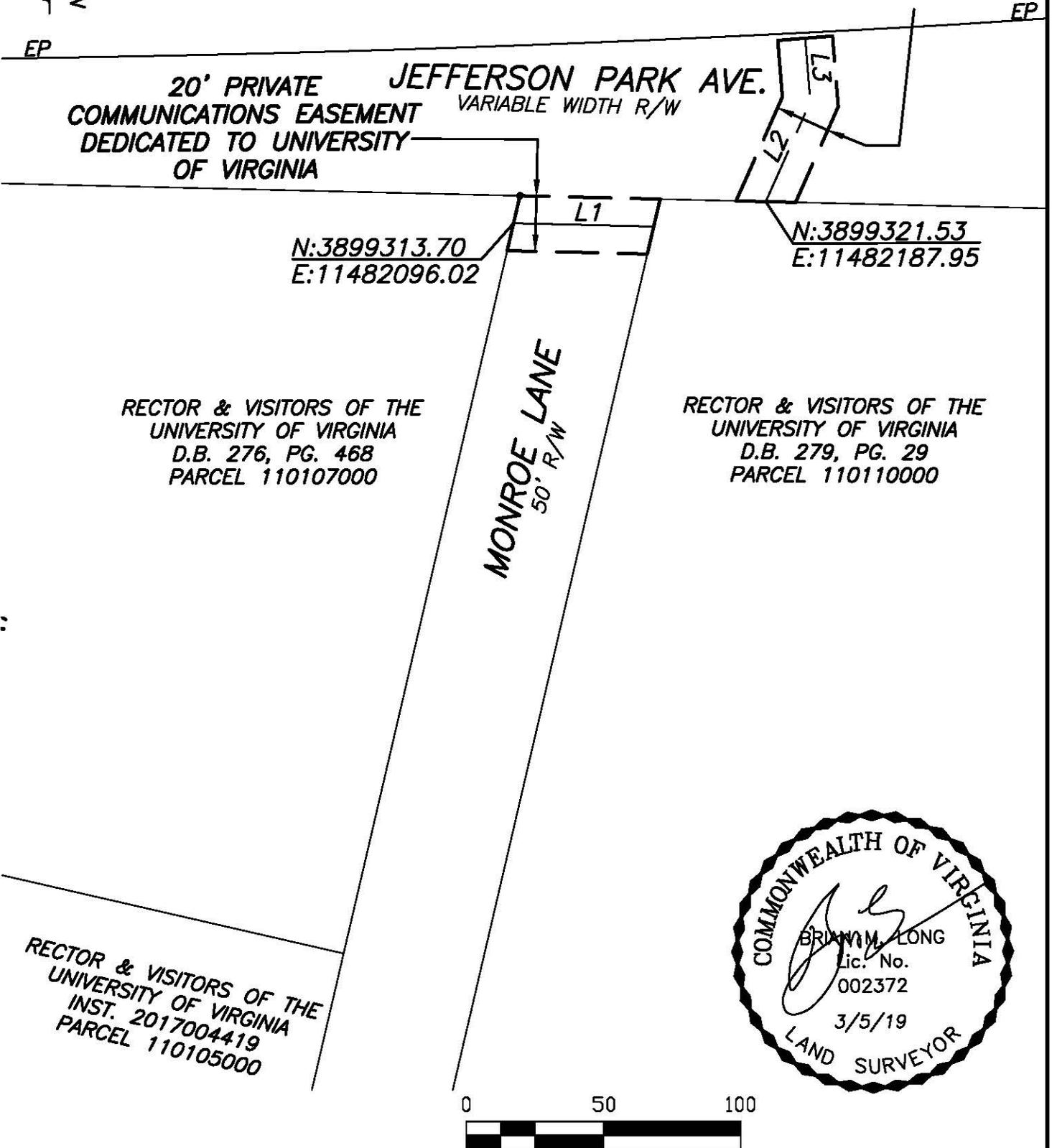
John C. Blair, II
City Attorney

1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY



LINE	BEARING	DISTANCE
L1	S 88°38'49" E	51.08'
L2	N 24°08'12" E	39.64'
L3	N 04°38'47" W	23.14'

20' PRIVATE COMMUNICATIONS
EASEMENT DEDICATED TO
UNIVERSITY OF VIRGINIA



SCALE: 1"=50'

PLAT OF
20' PRIVATE COMMUNICATIONS
EASEMENTS
TO BE DEDICATED TO RECTOR
& VISITORS OF THE
UNIVERSITY OF VIRGINIA
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099

DATE: 3/5/19

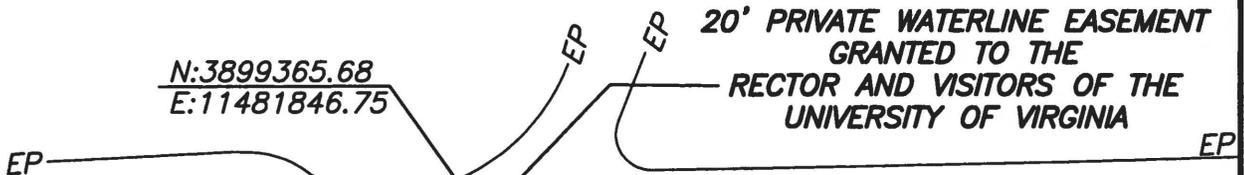
 **Dewberry**®

Dewberry
Engineers Inc

4805 Lake Brook Drive
Glen Allen, VA 23060
PHONE: 804.290.7957
FAX: 804.290.7928
www.dewberry.com

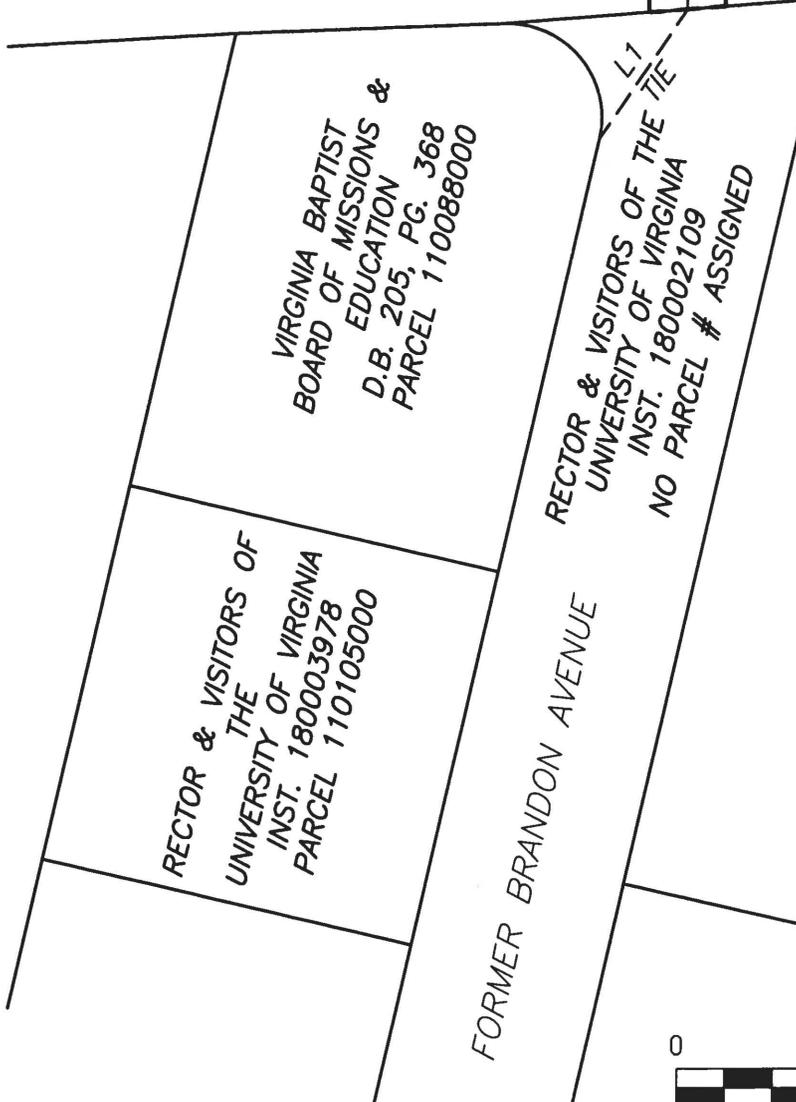
1) PROPERTY INFORMATION FROM DEEDS AND PLATS OF RECORD.
THIS IS NOT A BOUNDARY SURVEY

VCS MAD 83 SOUTH ZONE



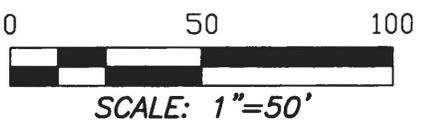
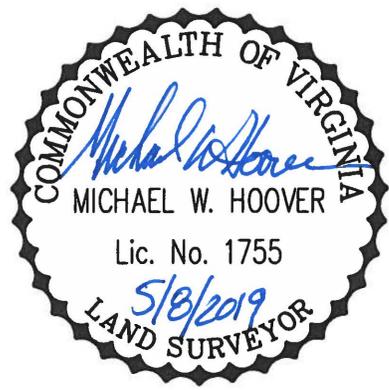
20' PRIVATE WATERLINE EASEMENT
GRANTED TO THE
RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA

JEFFERSON PARK AVE.
VARIABLE WIDTH R/W



LINE	BEARING	DISTANCE
L1	N 34°23'05" E	40.78'
L2	N 00°02'57" E	41.85'

RECTOR & VISITORS OF THE
UNIVERSITY OF VIRGINIA
D.B. 276, PG. 468
PARCEL 110107000



PLAT SHOWING A
20' PRIVATE
WATER LINE EASEMENT
GRANTED TO THE
RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA
CITY OF CHARLOTTESVILLE, VIRGINIA

JN 50090099	DATE: 5/8/2019
 Dewberry ®	
Dewberry Engineers Inc	
4805 Lake Brook Drive Glen Allen, VA 23060 PHONE: 804.290.7957 FAX: 804.290.7928 www.dewberry.com	

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 3, 2019
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Missy Creasy, Assistant Director, NDS Brennen Duncan, Traffic Engineer
Staff Contacts:	Missy Creasy, Assistant Director, NDS Brennen Duncan, Traffic Engineer Lisa Robertson, Deputy City Attorney
Title:	<u>ZT19-06-01 – Modify Access Requirements</u>

Background:

At the May 2019 Planning Commission Meeting, Mr. Trey Steigman requested that the Commission consider the initiation of a Zoning Text Amendment to change access requirements in the zoning ordinance (City Code Section 34-896 which currently requires at least two vehicular points of entry if a development contains 50 or more units). Mr. Steigman is undertaking a development that will have more than 50 dwelling units, but he believes that having to satisfy a requirement for two points of vehicular access is not reasonable and does not allow for flexibility in site design. The Commission discussed this item at the June Work Session and initiated review on July 9, 2019. Staff developed language that was reviewed by the Commission in July 2019 and a Joint hearing was held on August 13, 2019.

Proposed Zoning Text Change

Revise §34-896. - Access. as follows:

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with all of the various modes of traffic, including, without limitation, pedestrian traffic (“multimodal traffic”); and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City’s Traffic Engineer, in the review of a site plan, may specify the number, type, and location of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of

entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City's Standards and Design Manual as well as any other mandatory engineering and safety requirements.

- (b) .
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) .
- (e) .
- (f) Developments containing multifamily dwellings must have (i) access on a public collector or arterial street, (ii) access to a collector or arterial street within two hundred (200) feet along a public street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City's Standards and Design Manual.

Discussion:

Overview of Staff Analysis

Staff recommended approval of the proposed zoning text amendment to modify access requirements as outlined in the zoning ordinance. Review of this code section was not site specific but based on the full context of the topic. It was determined that the inclusion of the numeric regulation in the zoning ordinance was concerning as it may contradict the traffic and fire standard regulations. In addition, the Fire Code as well as the Standards and Design Manual provide regulations to address access requirements per safety and traffic standards and the zoning ordinance should reference those standards.

The 2013 Comprehensive Plan provides guidance in both the Land Use and Transportation Chapters that support this proposal. Land Use Goal 5.5 and Transportation Goal 1.7 support the update to the SADM to provide for design features to support a multimodal network. Transportation Goal 3.3 specifically asks for access management standards to be developed of which this proposal could be a first step. The proposed amendment will allow the evaluation of

fire code and engineering standards to a specific case to determine access standards rather than a numeric standard that may or may not be appropriate for a particular circumstance.

Planning Commission

Among the matters discussed by the Planning Commission at their August 13, 2019 meeting were the following:

- Obtaining clarity from staff that this will not affect safety in an adverse way.
- Requested review of code language by fire officials.

Alignment with City Council's Vision Areas and Strategic Plan:

The proposed zoning text amendment aligns with the City Council Vision of **A Connected Community** as it will evaluate fire code and engineering standards as they apply to a specific case to determine access standards rather than a numeric standard that may or may not be appropriate for a particular circumstance. The proposed changes align with **Strategic Plan, Goal 3.1**, as clarification of the language can assist with context sensitive urban planning.

Community Engagement:

A work session was held on June 25, 2019. Public comment at that meeting was in support of a code change. There were 5 speakers at the public hearing on August 13, 2019. Two speakers were in favor of the proposed language, one speaker thanked the commission for their deliberation on items, another speaker expressed concern that this would open the floodgates and make it so only one point of access would be provided for developments, and one speaker expressed concern about density in the community and the need for a long range planner. She also asked for language to address different types of transportation and a modification was made to the language to include "multimodal."

The Planning Commission requested that Fire review the language proposed. The Fire Marshall reviewed the proposal and had no additional comments.

Budgetary Impact:

No budgetary impact.

Recommendation:

The Commission took the following action:

Commissioner Stolzenberg moved move to recommend approval of this zoning text amendment to amend and re- ordain §34-896 (Amendments to the Zoning Ordinance) on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and/or good zoning practice. Seconded by **Commissioner Dowell**. *Motion is Approved*

6-0-1. Commissioner Heaton abstained as he was outside Council Chambers for the majority of the item review.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance (granting the ZTA);
- (2) by motion, request changes to the attached Resolution, and then approve the ZTA in accordance with the amended Resolution;
- (3) by motion, deny the requested ZTA (as recommended by the Planning Commission).

Attachment:

- (1) Proposed Ordinance Approving a Zoning Text Amendment
- (2) Planning Commission Staff Report with Attachments, August 13, 2019
(<https://www.charlottesville.org/home/showdocument?id=66229> Page 62)

AN ORDINANCE AMENDING AND RE-ENACTING THE CODE OF THE CITY OF CHARLOTTESVILLE, CHAPTER 34 (ZONING), ARTICLE , DIVISION 4 (ACCESS AND PEDESTRIAN WAYS), SECTION 34-896 (ACCESS), AS AMENDED, TO REMOVE PROVISIONS THAT CONFLICT WITH THE STATE FIRE CODE, THE CITY’S STANDARDS AND DESIGN MANUAL AND THE PROVISIONS OF CITY CODE 34-975 ([PARKING] ACCESS AND CIRCULATION)

WHEREAS, upon the recommendation of City staff, the Planning Commission initiated a zoning text amendment proposing amendments to the City’s zoning ordinance, §34-896 (“Proposed Zoning Text Amendment”) to remove provisions that address matters that are governed by the Fire Code, such as the number and dimensions of access that will serve as fire apparatus lanes; to remove provisions that preclude applicants’ and city engineers from designing access in a manner consistent with generally-accepted traffic engineering and safety standards or the City’s Standards and Design Manual; and/or that conflict with other provisions of the zoning ordinance, such as §34-975, which regulates access to and circulation within parking areas.; and

WHEREAS, a joint public hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on August 13, 2019, after notice to the public as required by law, and, following conclusion of the public hearing, the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment for the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, after consideration of the Planning Commission’s recommendation, the City staff report and recommendations therein given, and the public comment received, this Council is of the opinion that that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and re-enacted as follows:

1. Amend the provisions of 34-896 as follows:

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads. Each entrance onto any street for vehicular traffic to and from a development shall be , designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with all of the various modes of traffic, including, without limitation,

pedestrian traffic (“multimodal traffic”); and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the City’s Traffic Engineer~~director or the commission~~, in the review of a site plan, may specify the number, type, and location ~~and design~~ of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points, and may require related facilities to be provided and constructed, such as travel lanes or driveways to serve adjoining properties. The design of entrances, driveways and travel lanes shall take into account standards and design specifications referenced within the City’s Standards and Design Manual as well as any other mandatory engineering and safety requirements.

- (b) ~~Each entrance onto any public road for vehicular traffic to and from a development shall be subject to approval of the director or commission. All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.~~
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a **residential** development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) ~~The commission or director may require provision for, and/or construction of, travel lanes or driveways to serve adjoining properties.~~
- (e) ~~On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director’s determination that the vehicular circulation patterns provided are safe and convenient.~~
- (f) Developments containing Mmultifamily dwellings developments having a density greater than 43 DUA must have (i) access on a public collector or arterial street, (ii) or have access to a collector or arterial street within two hundred (200) feet along a fifty six foot right-of-way developed to city street standardspublic street, or (iii) access to a street which meets minimum engineering and safety criteria for two-way vehicular travel with sidewalks. The provisions of this subparagraph shall not apply to developments for which a traffic study has been conducted and provided to the City Traffic Engineer and the City Traffic Engineer confirms that the results of the traffic study show that, based on traffic projections for the development the capacity of adjacent street(s) will not be increased beyond acceptable engineering and safety standards set forth within the City’s Standards and Design Manual.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Public Hearing and Approval
Staff Contacts:	Erin Atak, Grants Coordinator, Neighborhood Development Services
Presenter:	Erin Atak, Grants Coordinator, Neighborhood Development Services
Title:	Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 20-21 (Public Hearing)

Background:

This public hearing is intended to serve as a forum for public comment on the Program Year (PY) 18 (July 1, 2018 through June 30, 2019) Consolidated Annual Performance and Evaluation Report (CAPER) and to aid City Council and staff in gathering information about the City's needs. Goals and priorities determined as a result of this public hearing will be the framework for funding recommendations made by the CDBG Task Force for funding available after July 2020. Based on current projections, the City can expect CDBG funding amounts similar to funds received in PY 19 or about \$393,000. The City can expect HOME funding to be similar or less than that received in FY 19 which is about \$73,000 per locality, or \$588,830 total for the HOME consortium.

Discussion

FY 18-19 PROGRAM PERFORMANCE HIGHLIGHTS

In FY 18, CDBG projects benefited 172 people. Projects included technical assistance for microenterprises and entrepreneurs, re-entry services, childcare scholarships, enhanced access to quality childcare, and workforce development programs. For economic development projects, it is important to note that businesses will have successes and growth far after FY 18. Some infrastructure improvements have been completed within the Belmont neighborhood; however, project outcomes cannot be reported until the project activities are fully complete. Of the 172 beneficiaries, 91% were extremely low-income, 9% were low-income, 0.6% were moderate income, and 69% were minorities. The table below outlines the activities, goals, and outcomes for FY 18.

CDBG Activities – Program Year 2018		Goal	Actual
Support Programs that Aid in Increasing Self Sufficiency	Persons Assisted	47	42
Support Homeless and Transition to Independence	Persons Assisted	28	106
Foster Small & Local Business Development	Business Assisted	20	22
Enhance & Improve Access to Neighborhood Amenities	Persons Assisted	1000	0
Preserve Existing Supply of Affordable Housing	Households	20	2 CDBG
Expand the Affordable Housing Supply	Households	7 RENTAL 12 DPA	2 RENTAL 2 DPA

For the Program Year 2018 (July 1, 2018 through June 30, 2019), the City completed 2 down-payment assistance projects under the HOME program, compared to a goal of 8. Region-wide, HOME Consortium projects also included two new rental units, and twelve (12) homeowner rehabilitation projects, for an overall regional total of 16 units. Of the 16 beneficiaries, 37.5% were extremely low-income (0 to 30%) and 62.5% were low-income (less than 80% AMI). 56% of HOME beneficiaries were minorities.

The table below outlines the activities, goals, and outcomes for the Program Year 18 HOME program.

HOME Consortium Activities - Program Year 2018		
Project Type	Goal	Actual
First-Time Homebuyer Assistance	13	2
Homeowner Rehab for Substandard Houses	15	12
Development of Rental Units	3	2
TOTAL	32	16

Through CDBG, HOME, and local housing programs, much has been done over the last fiscal year to maintain and grow affordable housing across in the City and across the HOME Consortium. The full FY 18 CAPER Draft Report can be found on the City’s website by clicking [here](#).

SETTING PRIORITIES FOR FY 20-21

Current Year's Plan: The priorities set by Council for FY 19, as determined at the September 17, 2018 public hearing, were workforce development, microenterprise assistance, access to quality childcare, down payment assistance, and homeowner rehab. For FY 19, 20% of the CDBG entitlement was allocated to Administration and Planning, which pays for the Grants Coordinator position and other grant support fees, and 15% of the balance was devoted to public service activities. The remaining funds were set-aside for economic development projects and for the Belmont Priority Neighborhood. The current fiscal year’s adopted budget is attached to show how funding has been allocated to the different funding categories.

Following the public hearing, staff is asking Council to make the following decisions:

- 1. Set priorities for CDBG & HOME Programs** – Council is asked to determine what the priorities are for FY 20-21 CDBG and HOME Programs. Having specific priorities helps the CDBG Task Force ensure that the diminishing funds are targeted towards projects that meet the goals of Council, the Consolidated Plan and the Growing Opportunities Report. The high priority needs identified in the Consolidated Plan include: risk of homelessness, lack of jobs that pay a sufficient wage, rental cost-burden, lack of training needed by employers, high cost home purchase, transportation access barriers, housing options for special needs, lack of childcare options, and lack of shelter for homeless. An emphasis on workforce development, access to quality childcare, microenterprise assistance, homeowner rehab and down payment assistance helps to meet these goals and needs and are consistent with Council goals, the Consolidated Plan, and the Growing Opportunities Report.
- 2. Confirm Priority Neighborhood** - Last year, Council designated Belmont as the Priority Neighborhood for FY 18-19 and approved Ridge Street and Belmont as the Priority Neighborhood for the upcoming 3-year cycle with funds being targeted in income eligible service areas. Ridge Street and Belmont are located within the Strategic Investment Area (SIA). Historically, Priority Neighborhoods receive three fiscal years of funding. In the past, priority neighborhood funds were set at \$200,000, however, reduced entitlement amounts would make this amount more than 50% of the anticipated budget. Last year, the Priority Neighborhood budget was set at 51% of the total entitlement amount or about \$204,263.49. As a result of program income received and reprogramming of funds from closed projects, about \$1,200.00 was applied to the Priority Neighborhood this fiscal year.

Council normally names only one Priority Neighborhood at a time. In order to ensure plenty of time for citizen engagement and coordination with the various City committees, staff will need to confirm if Council would like to move forward with the previously designated Priority Neighborhood, choose to not designate a Priority Neighborhood, or change the Priority Neighborhood.

Each year the total grant funding has decreased, though the Priority neighborhood allocation has remained the same. Council has allocated \$200,000 towards the Priority Neighborhood since the 1990's and it has now become more than 50% of the grant allocation. It is requested that this amount be lowered to \$150,000. This will allow for the overall allocation to be spent down in a manner that meets HUD Timeliness requirements. Belmont and Ridge Street are also the next Priority Neighborhoods in rotation, as approved previously by City Council. Per the council discussions held last year on September 17, 2018; last year's funds were allocated to fund the Belmont Priority Neighborhood's Franklin Street Sidewalk. The 2019-20 year's funds are allocated towards Ridge Street.

- 3. Determine if CDBG funds should be set aside for Economic Development** – Last year, Council set aside 11% of the entitlement amount for Economic Development activities or about \$45,000; however, only \$12,500 in eligible projects were funded. These funds are used to help qualified entrepreneurs start businesses as well as help existing businesses improve their capacity and increase profit.

4. **Determine the percentage for Public Service Projects** – The maximum amount of the budget that can be allocated towards Public Service Programs is 15% as determined by the Department of Housing and Urban Development (HUD). Council can decide to keep the allocation at 15% or designate a lower percentage. The current budget for Public Service projects is about \$58,972.
5. **Administration and Planning** – This amount is capped by HUD at 20% of the total CDBG budget. The current budget for admin and planning is just over \$78,630.
6. **Additional Guidelines** - Any other guidelines or directions Council may wish to give in determining how CDBG and HOME funds should be spent.

Community Engagement:

The CDBG Task Force will meet over the winter to review Housing and Public Service projects and make recommendations for funding to Council in spring 2020. The City's Strategic Action Team will review Economic Development applications. A Belmont Task Force was formed and made recommendations that could use all funding available. Funding is allocated for the Ridge Street Committee to gather and provide recommendations. Notice of the public hearing for the initial recommendations and notice of a public comment period for the CAPER was advertised in the newspaper. The public comment period for the CAPER is open from August 30 to September 13th.

Alignment with City Council's Vision and Strategic Plan

This agenda item aligns directly with Council's vision for Charlottesville to have **Economic Sustainability, Quality Housing Opportunities for All, and A Connected Community**. Projects also have the potential to many all of the objectives and goals listed in the City's Strategic Plan: An Inclusive Community of Self-sufficient Residents, A Beautiful and Sustainable Natural and Built Environment, A Strong, Creative and Diversified Economy, and a Healthy and Safe Community.

Budgetary Impact:

HOME funds will require a 25% local match. In previous years, this match came from the Charlottesville Affordable Housing Fund. There is no impact to the general fund regarding CDBG funds.

Recommendations:

Staff Recommends:

- Council move forward with priorities similar to the priorities outlined last year.
- Approving the 15% maximum allocation allowed for Public Service Projects and approving the 20% maximum allocation allowed for Admin and Planning.
- Public Service funds remain citywide, but that non-profit partners are made aware of the Strategic Investment Area and encouraged to recruit beneficiaries from that area.
- \$45,000 be set aside for Economic Development Activities.

- The remaining estimated CDBG budget, \$150,000, goes towards Priority Neighborhood funding.
- Belmont-and Ridge Street are the next Priority Neighborhood in the rotation, as approved previously by City Council. Per the discussion that were had when last year's allocations went to Belmont to fund the Franklin St Project. This year's funds are to be allocated to Ridge St.
- Any Public Service, Housing or Economic Development activity must meet the goals and recommendations of the Growing Opportunities report in addition to the Consolidated Plan.
- For HOME funds, if there is any program income or reprogramming available, those funds go towards housing activities to support down payment assistance and homeowner rehab.

Alternatives:

Alternatives include funding the Priority Neighborhood, Economic Development, Public Service, and Housing programs at different percentages or restricting beneficiaries to specific areas of the City. Specifically, Council could choose to fund the Priority Neighborhood at an amount different than the recommended \$150,000.

Attachments:

Proposed Budget

Resolution

Current Budget

Eligible CDBG and HOME Activities – click [here](#) to view list

CDBG Priority Neighborhoods Map – click [here](#) to view map

Proposed FY 20-21 CDBG & HOME Budget

	FY 19-20 Funding	FY 20-21 Funding
Priority Neighborhood	\$244,950.82	\$150,000 (or remaining EN available)
Economic Development	\$12,500	\$45,000
Public Service	15% EN	15% EN
Admin	20% EN	20% EN
Housing	\$0	\$0
CDBG Entitlement (EN)	\$393,152	\$393,000
HOME Entitlement (plus match)	\$120,382.75	\$120,300
Program Income and Reprogramming	\$1,900.82	\$20,000

Note: As proposed, if CDBG funds are decreased, Priority Neighborhood funding would be decreased. Also, there is no way to predict how much program income will be received during the fiscal year; \$20,000 is a conservative estimate based on prior years.

**A RESOLUTION
COUNCIL PRIORITIES
FOR CDBG and HOME FUNDS
FY 20-21**

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2020; and

WHEREAS, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community representatives will need to review potential projects and make recommendations for funding in Spring 2020;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2020-2021 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 20-21 shall be access to affordable housing, workforce development, microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.
- For FY 20-21, \$45,000 CDBG entitlement shall be set aside for Economic Development
- For FY 20-21, the Priority Neighborhood shall be Ridge Street and the allocation shall be \$150,000 of the total CDBG entitlement. If the CDBG entitlement received is less than the estimate amount of \$150,000 this amount will be decreased accordingly. The next Priority Neighborhood shall be Ridge Street.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.
- The Public Services budget shall be set at 15% of the total CDBG entitlement.

2019-2020 CDBG and HOME BUDGET ALLOCATIONS
RECOMMENDED BY CDBG/HOME TASK FORCE and SAT: 1/16/19, 2/7/17
RECOMMENDED BY PLANNING COMMISSION: 3/12/2019
APPROVED BY CITY COUNCIL: 6/3/2019

I. PRIORITY NEIGHBORHOOD	
A. Belmont	\$244,950.82
II. ECONOMIC DEVELOPMENT PROJECTS	
A. Community Investment Collaborative - Scholarships	\$12,500
	ECONOMIC DEVELOPMENT TOTAL: \$12,500
III. PUBLIC SERVICE PROJECTS	
A. Literacy Volunteers – Basic Literacy Instruction	\$9,237
B. OED GO Utilities	\$20,498
C. TJACH – Coordinated Entry System	\$29,237
	SOCIAL PROGRAMS TOTAL: \$58,972 (15%
EN)	
IV. ADMINISTRATION AND PLANNING:	
A. Admin and Planning	\$78,630 (20%
EN)	

GRAND TOTAL:	\$395,052.82
ESTIMATED NEW ENTITLEMENT AMOUNT:	\$393,152
ESTIMATED EN AVAILABLE AFTER PI APPLIED:	\$0.00
REPROGRAMMING:	\$1,900.82

* Funding includes reprogrammed funds

2019-2020 HOME BUDGET ALLOCATIONS

A. AHIP – Homeowner Rehab	\$73,603*
	TOTAL: \$120,382.75
	ENTITLEMENT AMOUNT: \$73,603
	ESTIMATED EN AVAILABLE AFTER PI APPLIED: \$28,379
	REPROGRAMMING: \$0.00
	LOCAL MATCH: \$18,400.75

* Includes estimated EN available after program income applied

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	September 16, 2019
Action Required:	Adopt Amendments to Chapter 25 (Social Services), Article III (Rental Relief for the Elderly and Disabled Persons)
Presenter:	Todd D. Divers, Commissioner of the Revenue
Staff Contacts:	Todd D. Divers, Commissioner of the Revenue
Title:	<u>Changes to Rental Relief Program for Elderly and/or Disabled</u>

Background:

Attached is a proposed ordinance for Council’s consideration that codifies changes to the Rental Relief Program for the Elderly and Disabled Persons that were approved by Council during their FY2020 budget deliberations. The program provides for the payment of grants to qualified tenants residing in the city who are not less than 65 years of age or are permanently and totally disabled and who are otherwise eligible.

Discussion:

Per Sec. 25-57 of the City Code: “The city council finds and declares that persons qualifying for such grants are deemed to bear an extraordinary burden in rent costs, and thereby indirectly an extraordinary real estate tax burden, in relation to their income and financial worth. Such persons are deemed thus to qualify for general relief as provided in Code of Virginia, § 63.1-106, which general relief shall be in the form of the grants provided pursuant to this article.”

The method for calculating the grant amount as set out in Sec. 25-61 of the City Code is as follows:

$$G = .25 \times (R - (.24 \times I))$$

G = GRANT AMOUNT

R = the lesser of the actual amount of rent paid OR \$6,000.00

I = GROSS COMBINED INCOME

During this year’s budget discussions, Council approved the following changes to the Rent Relief Program:

1. Increase the maximum allowable rent that an applicant can claim in the reimbursement formula. Previously, applicable rents were capped at \$6,000. We propose increasing that to \$12,000. Applicants can pay more than \$12,000 in rent per year, but they only get credit for \$12,000 in the formula.

2. Cap the annual benefit at \$1,500. Presently there is no benefit cap, per se. However, capping allowable rents at \$6,000 creates a de facto benefit cap of \$1,500. Adjusting the allowable rents to \$12,000 without capping the annual benefit would create a de facto cap of \$3,000.

These changes must be codified by Council in order for them to take effect.

Alignment with City Council's Vision and Priority Areas:

This aligns with the City Council's Vision "...to be flexible and progressive in anticipating and responding to the needs of our citizens."

Budgetary Impact:

There would be no net budgetary impact as the FY2020 budget anticipates these proposed changes. Cost of this program is funded with the annual budget appropriation for Fiscal Year 2020 previously approved by Council.

Recommendation:

Approve proposed ordinance

Attachments:

Proposed Ordinance

**AN ORDINANCE
AMENDING AND REORDAINING SECTIONS 25-58 AND 25-61
OF ARTICLE III OF CHAPTER 25 (SOCIAL SERVICES)
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO RENT RELIEF FOR THE ELDERLY AND DISABLED PERSONS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 25-58 and 25-61 of Article III (Rental Relief for the Elderly and Disabled Persons) of Chapter 25 (Social Services), are hereby amended and reordained, as follows:

**CHAPTER 25. SOCIAL SERVICES
ARTICLE III. RENTAL RELIEF FOR THE ELDERLY AND DISABLED PERSONS**

Sec. 25-56. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless another meaning shall clearly appear from the context:

Affidavit means the rental relief grant affidavit.

Dwelling means the full-time residence of the person applying for a grant; provided, however, that the fact that a person who is otherwise qualified for a grant under this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the location for which rental relief is claimed ceases to be the dwelling of such person during such period of other residence, so long as the rented premises in question are not occupied by, or leased to, others for consideration.

Grant means the financial assistance payment allowable to a qualifying elderly or permanently and totally disabled person pursuant to the requirements of this article.

Grant year means the calendar year for which a grant is sought.

Permanently and totally disabled, as applied to a person seeking a grant under this article, means a person furnishing the certification or medical affidavits required by section 30-99 of this Code, and who is found by the commissioner of revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

Rent means the monetary consideration paid for the right to occupy the dwelling unit.

Tenant means one residing in a dwelling by virtue of a leasehold interest, for which rent is paid.

Sec. 25-57. Purpose of article.

It is hereby declared to be the purpose of this article to provide for the payment of grants to qualified tenants residing in the city who are not less than sixty-five (65) years of age or are permanently and totally disabled and who are otherwise eligible according to the provisions of this article. The city council finds and declares that persons qualifying for such grants are deemed to bear an extraordinary burden in rent costs, and thereby indirectly an extraordinary real estate tax burden, in relation to their income and financial worth. Such persons are deemed thus to qualify for general relief as provided in Code of Virginia, section 63.2-802, which general relief shall be in the form of the grants provided pursuant to this article.

Sec. 25-58. Qualifications for grant.

Grants pursuant to this article shall be made to persons complying with the following provisions:

- (1) The applicant has paid rent for his/her dwelling within the city during the grant year and was a resident of the city on December thirty-first of the grant year;
- (2) The applicant, or his/her spouse if they reside together, is sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the grant year;
- (3) The dwelling for which the rental relief grant is sought was occupied as of December thirty-first of the grant year as the sole dwelling place of the applicant;
- (4) The gross combined income during the grant year from all sources of such applicant and all relatives of the applicant living in such dwelling does not exceed the sum of fifty thousand dollars (\$50,000.00); provided that the first seven thousand five hundred dollars (\$7,500.00) of any income, (a) received by the applicant, or the applicant's spouse if they reside together, and classified as permanent disability compensation, or (b) received by any applicant who is at least sixty-five (65) years of age, is permanently and totally disabled, and can show that he or she did receive permanent disability compensation for at least twenty-four (24) consecutive months immediately prior to his or her sixty-fifth birthday, shall be excluded from such total; and provided, that the first eight thousand five hundred dollars (\$8,500.00) of income of each relative other than spouse of such applicant who is living in such dwelling and does not qualify for rent relief shall be excluded from such total. If the applicant has been a resident of the city for less than the full grant year, the gross combined income for such year and the maximum allowable income shall be prorated for the period of actual residency.
- (5) The net combined financial worth of such applicant and relatives of such applicant living in such dwelling as of December thirty-first of the grant year does not exceed one hundred twenty-five thousand dollars (\$125,000.00). Net combined financial worth shall include all assets, including equitable interests.

Sec. 25-59. Claimant's affidavit.

(a) Annually, and not later than May first of the year following the grant year, the person claiming a grant shall file with the commissioner of revenue of the city, a rental relief grant affidavit. The date for filing such an affidavit by an applicant may be extended by the commissioner of the revenue to July first of the year following the grant year for a first-time applicant and to July first of each year following the grant year in a hardship case in which the commissioner of the revenue determines that the applicant was unable to file by May first of the year following the grant year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution; provided, that such rental relief grant affidavit is accompanied by a written statement of one (1) medical doctor licensed to practice medicine in the commonwealth.

(b) The affidavit shall set forth the names of the related persons occupying the dwelling for which rental relief is claimed, and the total combined net worth and gross combined income, as defined in this article, together with the amount of rent paid for such dwelling during the grant year. The form of such affidavit shall be determined by the commissioner of the revenue and approved by the city manager and shall contain such other information as may be necessary adequately to determine compliance with section 25-58. The affidavit of any person less than sixty-five (65) years of age who is claiming an exemption under this article shall be accompanied by certification or medical affidavits meeting the requirements of section 30-99 of this Code.

Sec. 25-60. Inquiries by commissioner of revenue.

The commissioner of revenue may make such inquiry of applicants, requiring answers under oath and the production of certified tax returns, as may be reasonably necessary to determine eligibility for a grant under this article.

Sec. 25-61. Calculation of amount of grant.

(a) For qualifying applicants, the amount of the grant shall be the lesser of fifteen hundred dollars (\$1,500.00), or twenty-five (25) percent of the amount determined by subtracting twenty-four (24) percent of gross combined income, as defined by section 25-58(4), from the lesser of:

- (1) The actual amount of rent paid; or
- (2) ~~Six~~ Twelve thousand dollars (~~\$6,000.00~~). (\$12,000.00).

(b) If the applicant was a resident of the city for less than the full grant year, the actual rent paid or maximum rent allowable shall be prorated for the period of actual residency.

Sec. 25-62. Certification of eligibility for and payment of grant.

The commissioner of revenue, after audit and investigation of affidavits submitted under this article, shall certify a list of the persons qualifying for grants and the amounts thereof to the director of finance and the city treasurer who shall pay forthwith to each applicant the amount of the grant for which he or she is eligible as determined pursuant to this article.

Sec. 25-63. False claims.

Any person falsely claiming a grant under this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Secs. 25-64—25-85. Reserved.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Adopt Amendments to Chapter 30 (Taxation)
Presenter:	Todd D. Divers, Commissioner of the Revenue
Staff Contacts:	Todd D. Divers, Commissioner of the Revenue
Title:	<u>Changes to Real Estate Tax Relief Program for Elderly and/or Disabled</u>

Background:

Attached is a proposed ordinance for Council’s consideration that conforms the income eligibility parameters for the Real Estate Tax Relief Program for the Elderly and Disabled (RETR) to those of the recently adjusted Homeowner Tax Relief grant program (also known as the Charlottesville Housing Affordability Program, or CHAP) for low-and moderate-income homeowners. The RETR program offers eligible elderly or disabled homeowners a percentage reduction in their first and second half real estate tax bills. The percentage awarded is based on a combination of the applicant’s annual income and net worth. The CHAP program is entirely income-based and allows the owners of eligible homeowner-occupied properties grant amounts applied to real estate taxes due for the second half of a calendar year (and in some cases a reimbursement check to cover a portion of the first half).

The proposed ordinance also adjusts language requiring an “affidavit” to language requiring a “written statement or certification” as allowed by Virginia Code § 58.1-3213.

Discussion:

Enabling language for the CHAP Program is found in Sec. 50.7 of the City’s Charter, which requires the City to apply the income guidelines issued by the Virginia Housing and Development Authority (VHDA) for use in its single-family mortgage loan program to determine who are “low and moderate income persons.” Those guidelines also contain limitations on the value of the home in question. Current VHDA guidelines stipulate a maximum income threshold of \$90,000 and a maximum home value of \$375,000. During this year’s budget discussions, Council adjusted the grant and income parameters for the 2019 CHAP Program as follows (after a similar adjustment for 2018):

CHAP IN PRIOR YEARS		
Applicant Income	\$0 - \$25,000	\$25,001 - \$50,000
Grant Amount	\$525	\$375

2018 CHAP			
Applicant Income	\$0 - \$20,000	\$20,001 - \$35,000	\$35,001 - \$50,000
Grant Amount	\$1000	\$750	\$500

2019 CHAP				
Applicant Income	\$0 - \$25,000	\$25,001 - \$35,000	\$35,001 - \$45,000	\$45,001 - \$55,000
Grant Amount	Full Relief	\$1000	\$750	\$500

Maximum value for a qualifying home increased in CY2018 from \$365,000 to \$375,000 and remains at that level for 2019. Maximum allowable income for the CHAP program increased for CY2019 from \$50,000 per year to \$55,000 per year.

RETR authorization is found in Chapter 32 of Title 58.1 of the Code of Virginia. Currently, in Charlottesville, in order to qualify an elderly or disabled applicant must have a household income of \$50,000 or less per year and a total net worth (excluding the value of the home) of \$125,000 or less.

The real estate tax exemption percentage granted pursuant to this program for the applicable taxable year is calculated according to the following scale:

		NET COMBINED FINANCIAL WORTH				
		\$0-\$25,000	\$25,001-\$50,000	\$50,001-\$75,000	\$75,001-\$100,000	\$100,001-\$125,000
GROSS COMBINED INCOME	\$0-\$12,500	100%	80%	60%	40%	20%
	\$12,501-\$25,000	80%	64%	48%	32%	16%
	\$25,001-\$37,500	60%	48%	36%	24%	12%
	\$37,501-\$50,000	40%	32%	24%	16%	8%

The adopted FY2020 budget already assumes an increase to the RETR upper income threshold to \$55,000 in order to align with the similar CHAP amendment. This increase must be codified by Council in order to take effect.

Problem #1

The Commissioner of the Revenue anticipates a large number of former RETR applicants switching to the CHAP program because its new grant formula will offer a much more generous benefit. The FY2020 funding proposals submitted and adopted for these programs reflect this expected “immigration” of RETR applicants to CHAP.

However, such a change does not come without consequences:

1. CHAP applicants must pay the first half real estate bill on their own. The grant is applied to the second half FIRST, and only if there is a grant balance remaining will a check be sent to the taxpayer to reimburse for the first half. We expect that this arrangement will pose a hardship for some of our elderly/disabled applicants, forcing them to remain in the RETR program even though the CHAP program currently offers a better deal.

2. Some RETR recipients qualify for free trash stickers from the Treasurer’s Office. The relief percentage needed to qualify for this benefit varies from year to year depending on the number of applicants and budget availability. Currently, qualifying applicants receiving 60% relief or greater get free trash stickers. This is a significant benefit that does not come with the CHAP program.
3. The application periods for these programs are staggered over the year, allowing our office to efficiently handle the flow of applicants with minimal impact on our constitutionally mandated tax assessment functions. A mass exodus of RETR applicants to the CHAP program could pose significant administrative problems.
4. The Treasurer’s Office will likewise be impacted as it will likely see a substantial uptick in applications for payment plans and reimbursement checks needing to be mailed out.

Solution to Problem #1

The Commissioner of the Revenue proposes adjusting the RETR income qualification and award parameters to match the CHAP program as closely as possible. We propose adjusting the RETR eligibility scale contained in the City Code to the following:

		NET COMBINED FINANCIAL WORTH				
		\$0-\$25K	\$25,001-\$50K	\$50,001-\$75K	\$75,001-\$100K	\$100,001-\$125K
GROSS COMBINED INCOME	\$0-\$25,000	100%	100%	100%	100%	100%
	\$25,001-\$27,500	80% or \$1000	64% or \$1000	48% or \$1000	32% or \$1000	16% or \$1000
	\$27,501-\$35,000	60% or \$1000	48% or \$1000	36% or \$1000	24% or \$1000	12% or \$1000
	\$35,001-\$41,250	60% or \$750	48% or \$750	36% or \$750	24% or \$750	12% or \$750
	\$41,251-\$45,000	40% or \$750	32% or \$750	24% or \$750	16% or \$750	8% or \$750
	\$45,001-\$55,000	40% or \$500	32% or \$500	24% or \$500	16% or \$500	8% or \$500
	\$55,001-\$65,000	40% or \$500	32% or \$500	24% or \$500	16% or \$500	8% or \$500

Under this rubric, the qualified RETR applicant would receive the better option (percentage or flat grant amount) of any given income/asset scenario.

For instance, an applicant with a gross combined income of \$26,000 and a net worth of \$40,000 would qualify for either a 64% reduction in their real estate tax bill or up to \$1,000 (not to exceed the annual tax bill), whichever is greater.

Problem #2

Currently, applicants for the City’s RETR program are required to submit a notarized affidavit attesting to the accuracy of information provided. CHAP applicants, on the other hand, need only submit a signed statement or certification attesting to the accuracy of information provided. This small distinction can pose a significant problem for our homebound or institutionalized RETR applicants or an administrative burden on our office because an applicant must have access to a notary in order to apply, OR a notary from our office must come out to where the applicant lives.

Solution to Problem #2

State Code § 58.1-3213 allows either an affidavit or a written statement or certification. We propose adjusting our local ordinance to the latter option - a written statement or certification.

Alignment with City Council's Vision and Priority Areas:

This aligns with the City Council's Vision "...to be flexible and progressive in anticipating and responding to the needs of our citizens."

Budgetary Impact:

There would be no net budgetary impact as the FY2020 budget anticipates former RETR applicants switching to CHAP in order to gain the higher benefit. This proposed change allows those applicants to stay in RETR and receive the same benefit as if they had switched. The cost of this program is funded with the annual budget appropriation for Fiscal Year 2020 previously approved by Council.

Recommendation:

Approve proposed changes as reflected in the attached ordinance.

Attachments: Proposed Ordinance

**AN ORDINANCE AMENDING AND REORDAINING SECTIONS 30-96,
30-99, AND 30-101 OF CHAPTER 30 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING
TO CHANGES IN THE REAL ESTATE TAX RELIEF PROGRAM
FOR THE ELDERLY AND/OR DISABLED**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 30-96, 30-99 and 30-101 of Article IV of Chapter 30 (Taxation) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

CHAPTER 30. TAXATION

**ARTICLE IV. REAL ESTATE TAX RELIEF FOR THE ELDERLY AND
DISABLED PERSONS**

Sec. 30-96. Definitions.

.....

Certification means a signed written statement or affidavit attesting to the accuracy of information provided by the applicant.

.....

Sec. 30-97. Purpose of article.

...

Sec. 30-98. Qualifications for exemption.

...

Sec. 30-99. Applicant's certification of disability.

(a) Annually, and not later than March first of each taxable year, every person claiming an exemption or deferral under this article shall file a real estate tax exemption or deferral certification with the commission of the revenue of the city. The date for filing such certification by an applicant may be extended by the commissioner of revenue to July first of a taxable year for a first-time applicant and to July first of each taxable year in a hardship case in which the commissioner of the revenue determines that the applicant was unable to file by March first of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution; provided, that such real estate tax exemption or deferral certification is accompanied by a sworn affidavit of one (1) medical doctor licensed to practice medicine in the commonwealth.

(b) The certification shall set forth the names of the related persons occupying the real estate for which exemption or deferral is claimed and the total combined net worth and combined income of such persons as defined in this article. The form of such certification shall be determined by the commissioner of revenue and approved by the city manager, and shall contain such other information as may be required adequately to determine compliance with the provisions of section 30-98.

(c) If the person filing an affidavit certification under this section is under sixty-five (65) years of age, the affidavit certification shall have attached thereto proper documentation by the Social

Security Administration, veteran’s administration or the railroad retirement board that the person has been certified as being permanently or totally disabled as defined by those agencies, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that the person is permanently and totally disabled, as defined in section 30-96. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 30-96.

(d) In addition, the commissioner of revenue may make such further inquiry of persons seeking to claim exemptions or deferrals requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary to determine eligibility for an exemption or deferral.

Sec. 30-100. Certification by commissioner; deductions from real estate tax.

...

Sec. 30-101. Calculation of amount of exemption.

The amount of the exemption or deferral granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:

		<u>NET COMBINED FINANCIAL WORTH</u>				
		<u>\$0-\$25K</u>	<u>\$25,001-\$50K</u>	<u>\$50,001-\$75K</u>	<u>\$75,001-\$100K</u>	<u>\$100,001-\$125K</u>
<u>GROSS COMBINED INCOME</u>	<u>\$0-\$25,000</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
	<u>\$25,001-\$27,500</u>	<u>80% or \$1000</u>	<u>64% or \$1000</u>	<u>48% or \$1000</u>	<u>32% or \$1000</u>	<u>16% or \$1000</u>
	<u>\$27,501-\$35,000</u>	<u>60% or \$1000</u>	<u>48% or \$1000</u>	<u>36% or \$1000</u>	<u>24% or \$1000</u>	<u>12% or \$1000</u>
	<u>\$35,001-\$41,250</u>	<u>60% or \$750</u>	<u>48% or \$750</u>	<u>36% or \$750</u>	<u>24% or \$750</u>	<u>12% or \$750</u>
	<u>\$41,251-\$45,000</u>	<u>40% or \$750</u>	<u>32% or \$750</u>	<u>24% or \$750</u>	<u>16% or \$750</u>	<u>8% or \$750</u>
	<u>\$45,001-\$55,000</u>	<u>40% or \$500</u>	<u>32% or \$500</u>	<u>24% or \$500</u>	<u>16% or \$500</u>	<u>8% or \$500</u>
	<u>\$55,001-\$65,000</u>	<u>40% or \$500</u>	<u>32% or \$500</u>	<u>24% or \$500</u>	<u>16% or \$500</u>	<u>8% or \$500</u>

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2019
Action Required:	Ordinance Amendment
Staff Contacts:	John Blair, City Attorney
Presenter:	John Blair, City Attorney
Title:	Amend and Reenact Sections 18-21 through 18-27 of the Charlottesville City Code (Permits for Special Events and Demonstrations)

Background:

In early 2018 the City Council adopted an ordinance to regulate special events (including demonstrations and other First-Amendment-protected assemblies) conducted on public property. Recently the City Attorney's office reviewed the provisions of the ordinance, reflecting on experiences and comments which have been received since its adoption.

On July 1, 2019 and August 5, 2019, the Council considered amendments to the ordinance. Councilor Bellamy requested the City Attorney's Office to examine further amendments to the ordinance in light of public feedback.

Discussion:

The City Attorney's Office is proposing the following additional amendments to the ordinance:

First, the definition of "Demonstration" is amended to specify that the activity in question has to be reasonably likely to attract a crowd or onlookers.

Second, the City, when feasible, will provide a warning to individuals in violation of City Code Section 18-23 before assessing a civil penalty.

Third, the City will no longer require a general liability and property damage insurance policy in an amount of \$1,000,000.00 or greater for demonstrations that do not require a street closure or the construction of a structure.

Fourth, the prohibited items section has replaced the term “possess” with the term “use”.

Fifth, the prohibited items section no longer applies to special events and only applies to demonstrations.

Finally, glass bottles have been removed from the list of prohibited items.

Budgetary Impact:

None

Attachments:

Proposed Ordinance

ORDINANCE
AMENDING AND RE-ENACTING CHAPTER 18 (PARKS AND RECREATION), ARTICLE III
(PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE (1990) AS AMENDED

1. The provisions of Chapter 18, Article III of the Code of the City of Charlottesville (1990), as amended, are hereby amended and re-enacted, as follows:

~~ARTICLE III. - PERMITS FOR~~ REGULATION OF SPECIAL EVENTS AND
DEMONSTRATIONS

Sec. 18-21. - Purpose.

The purposes of this article are to:

- (a) To establish procedures and standards governing the use of public property by non-city organizations and individuals for the purpose of conducting events, and to ensure the preservation of public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses; and,
- (b) To protect the right of persons and groups to organize and participate in peaceful assemblies to express their political, social, religious, or other views on city streets, sidewalks, and other public ways, in parks, and on other public lands, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in such assemblies in not having their ability to use city streets, sidewalks, and other public ways to travel to their intended destinations, city parks for recreational purposes, and other city lands for their intended purposes unreasonably impaired.
- (c) The application of the provisions of this article, and any rules and regulations adopted pursuant to these provisions, shall be without regard to the content of the beliefs expressed or anticipated to be expressed during any permitted event.

Sec. 18-22. - Definitions.

~~*Community event* means the events listed in section 28 29(e) of this Code, and such other events designated by city council as "community events" from time to time.~~

~~*Demonstration* means any activity including any demonstration, picketing, speechmaking, marching, vigils and all similar forms of conduct that involve the communication or expression of views or grievances, the conduct of which is reasonably likely to attract a crowd or onlookers. The term does not include the casual use of parks or sidewalks, when such use is not reasonably likely to attract a crowd or onlookers. an event involving non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual~~

activity by persons which does not have an intent or propensity to attract a crowd or onlookers. The term "demonstration" shall exclude:

- (1) ~~Any events conducted by tenant of the Economic Development Authority of the City of Charlottesville ("CEDA") under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within that Pavilion lease); and~~
- (2) ~~Any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument.~~

Event refers to any activity that ~~may refer~~ either to a demonstration or a special event, a demonstration or special event or to demonstrations and special events, collectively.

Open burning and *open fire* have the same meaning as set forth in this Code section 12-2.

Open flame means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. "Open flame" includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that "open burning and open fire" and "open flame" shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous or harmful manner.

Person means an individual, or any legal entity, such as a corporation, association, limited liability company, or partnership.

Public property means any land or premises owned or leased by the City of Charlottesville.

Prohibited items shall mean:

- (1) ~~All items prohibited by law from being held, carried, displayed, worn or otherwise used in public;~~
- (2) ~~Items banned from public or park lands;~~
- (3) ~~Any BB guns, pellet guns, air rifles or pistols, paintball guns, pellet guns, nun chucks, tasers, stun guns, heavy gauge metal chains, lengths of lumber or wood, poles, bricks, rocks, metal beverage or food cans or containers, glass bottles, axes, axe handles, hatchets, ice picks, acidic or caustic materials, hazardous, flammable, or combustible liquids, dogs (except service dogs), skateboards, swords, knives, daggers, razor blades or other sharp items, metal pipes, pepper or bear spray, mace, aerosol sprays, catapults, wrist rockets, bats, sticks, clubs, drones, explosives, fireworks, open fire or open flames, or other item considered an "implement of riot";~~
- (4) ~~Any items capable of inflicting bodily harm when these items are held or used in an intimidating, threatening, dangerous or harmful manner; and~~
- (5) ~~Law enforcement or military like uniforms or uniform like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that when held, carried, displayed or worn tend to suggest or imply that the wearer is a current member of law enforcement, the military, a private militia, or other public safety organization, such as a fire department or emergency medical services agency.~~

Special event means any activity, such as a sports events, pageants, celebrations, historical reenactments, carnivals, music festivals or ~~and~~ other entertainments, exhibitions, dramatic presentations, fairs, festivals, races (i.e., runs/walks), any community events (as defined in city code 28-29(c)), block party parties, movie filming, parades and any other, similar activity activities, conducted on public property conducted by a person other than the City of Charlottesville which (i) are not demonstrations, and (ii) are engaged in by fifty (50) or more persons on public property that is reserved, or is sought to be reserved, as the venue for such activity. The term "special event" shall be construed to include a community event or private organization celebration held in or on city-owned property and is attended by more than fifty (50) people. The term "special event" shall *exclude* (i) any events conducted by the Charlottesville Economic Development Authority's CEDA's tenant under the Pavilion lease dated September 20, 2004 (i.e., all "operator events" as that term is defined within the Pavilion lease), and (ii) any events conducted by the Thomas Jefferson Center for Freedom of Expression within the area leased to it for and in connection with the First Amendment Monument; ~~and~~ (iii) a gatherings of ten (10) or more people in a park for general recreational or sports activities, and (iv) a demonstration, as defined above within this section.

Sponsor means any the person (as defined above) or persons who (i) conduct(s) an event, (ii) organizes an event, or who holds himself or herself out as being the organizer of an event, or (iii) who sign(s), or whose authorized representative(s) sign(s), an application for an event permit that is required for an event and who will be responsible under the permit, if issued, for ensuring that an the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

Sec. 18-23. - Permit required for certain events.

- (a) The city manager is authorized to adopt standard operating procedures that establish a permit application process for events to be administered through the department of parks and recreation. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for ~~permitted~~ events; and establish reasonable fees, charges, rentals and insurance and indemnification requirements for events; ~~and restrict the possession or use of prohibited items, as defined herein, during the event.~~
- (b) Any person intending to ~~hold or sponsor~~ conduct an event ~~on any city-owned or leased property~~ must first obtain a permit from the city ~~through the department of parks and recreation,~~ unless:
 - (1) The event is exempt from permitting requirements under the standard operating procedures promulgated by the city manager; or
 - (2) Such person is using public property in accordance with holding or sponsoring such event pursuant to a valid permit issued by the city manager pursuant to another chapter of this Code.
- (c) By accepting a permit issued by the city pursuant to this article, the sponsor represents that:

- (1) All information included or presented as part of the permit application was, to the best of the sponsor's information and belief, complete and correct;
- (2) That the sponsor will comply with all terms and conditions of the permit and the sponsor will use reasonable means to ensure that persons participating in the event will comply with all terms and conditions of such permit ~~have been or will be complied with;~~ and
- (3) That a copy of the permit will be made available for inspection by any city representative during the event.

(d) The following conduct is declared to be unlawful, and any person who engages in such conduct shall be subject to a civil penalty of up to five hundred dollars (\$500.00):

(1) Action taken by a Sponsor to advertise, promote, or conduct an event for which a permit is required, without first obtaining a permit;

(2) Action taken by a Sponsor to conduct an event for which a permit has been issued on any day(s), or at time(s), or location(s) not authorized by the permit, or to advertise or promote such event to take place on any day(s), time(s), or location(s) not authorized by the permit.

When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this subsection (d).

Sec. 18-24. - Insurance requirements.

- (a) To further the goal of public safety and to protect the city and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of a special event ~~event~~ shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.

The sponsor of a demonstration which requires a street closure or a structure as defined in the standard operating procedures adopted by the city manager shall be required to furnish a general liability and property damage insurance contract insuring the sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than one million dollars (\$1,000,000.00), and the insurance policy shall name the city (including its offices, officials, employees, and agents), as additional insured parties to the insurance contract.

- (b) This insurance requirement may be waived, in whole or in part, by the city manager or his or her designee because:

- (1) The cost of the insurance will result in a documented financial hardship to the sponsor;
or
- (2) For an event that:
 - a. Does not pose a high level of liability risk to the city or a material risk to public safety; and
 - b. Does not involve any inherently dangerous activity.

A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.

- (c) The decision on whether the insurance requirement will be waived in whole or in part will be based on the following factors:
 - (1) Whether the event and planned activities present a risk of personal injury or property damage;
 - (2) Whether the event involves a large number of participants relative to the size of the event venue;
 - (3) Whether the event involves the preparation and sale of food;
 - (4) The duration of the event; and
 - (5) Whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for a demonstration the city manager or his or her designee shall not consider the number of anticipated onlookers or counter-demonstrators, the potential risk of property damage or bodily injury that may be caused by onlookers or counterdemonstrators, nor the possibility that the demonstration will be controversial in nature.

Sec. 18-25. - ~~Violations and penalties~~ Prohibition on carrying or using specified items while attending or participating in a demonstration.

- (a) It shall be unlawful for any person to carry or use any of the following items or articles while attending or participating in a demonstration:
 1. Any length of lumber, wood or wood lath unless that object is ¼ inch or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension. Both ends of the lumber, wood or wood lath permitted by this subsection shall be blunt;
 2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding ¾ inch in its thickest dimension, and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid, may be used solely to support a sign, banner, placard, puppet or other similar

expressive display. Both ends of any plastic pipe permitted by this subsection shall be blunt;

3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subdivision 1 or 2 of this section, above, unless such sign, poster, banner, plaque or notice is constructed solely of soft material such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than ¼ inch in thickness;
 4. Baseball or softball bats, regardless of composition or size, provided however that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
 5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
 6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 7. Weapons, such as knives, swords, sabers or other bladed devices; axes; hatchets; ice picks; razor blades; box cutters; nunchucks or other martial arts weapons of any kind; metal/composite/wooden knuckles; conducted electrical weapons (CEWs), including, but not limited to, tasers or stun guns; any chain greater than 20 inches in length or greater than ¼ inch in diameter; or pellet or BB guns. This subdivision also includes toy or replica firearms unless such toy or replica is florescent-colored or transparent;
 8. Balloons, bottles, or any other containers, such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any persons attending a public assembly;
 9. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
 10. Shields made of metal, wood, hard plastic or any combination thereof;
 11. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
- (b) When feasible, except in exigent circumstances, a warning shall be issued before enforcement of the provisions of this section. Such warning shall be sufficient if provided orally, by a posted sign, or by amplified announcement.

- (c) Authorized employees, agents or representatives of the City, and any person providing public services in aid of or in cooperation with City forces, shall be exempt from the provisions of this section while engaged in the official business of the City.
- (d) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities authorized under a permit issued by the City.

~~Sec. 18-25. Violations and penalties.~~

~~The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

~~Any person who engages in conduct prohibited by this article shall, upon conviction, be guilty of a class IV misdemeanor, unless a greater penalty is authorized and imposed in any other chapter of this Code or by the laws of the Commonwealth of Virginia:~~

- ~~(a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;~~
- ~~(b) Sponsoring, holding or conducting an permitted event for which a permit has been issued on days or at times not authorized by the permit;~~
- ~~(c) Intentionally providing false, misleading or incomplete information in a permit application;~~
- ~~(d) Failing to comply with any terms or conditions placed on a permit;~~
- ~~(e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;~~
- ~~(f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;~~
- ~~(g) Rendering any part of an event venue dangerous, unsafe or unsuitable for use by others;~~
- ~~(h) Closing any street or public right of way during an event, or using any street or right of way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining a street closing permit;~~
- ~~(i) Holding, carrying, displaying or using any prohibited item as defined herein within an area where an event is taking place with a permit, without the prior written consent of the city manager or his or her designee;~~
- ~~(j) Holding, carrying, displaying or using any prohibited item as defined herein within a restricted area established by police officers as a security measure for or in connection with any event;~~
- ~~(k) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans;~~
- ~~(l) Engaging in a course of conduct or committing any act that endangers the public welfare or safety of others during an event;~~
- ~~(i) Damaging landscaping, plantings, improvements, equipment or structures located on city property where an event is being held.~~

~~In addition to the criminal sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, or who violates any section in this article, may also be held civilly liable for any damages or loss, and may be banned from the future use of city owned property for a specified period of time.~~

Sec. 18-26. Other conduct prohibited while attending or participating in in an event

(a) It shall be unlawful for any person to engage in the following conduct while attending or participating in an event:

- (1) Failure to comply with lawful directions or instructions set forth on a sign posted by the City for or in connection with the event;
- (2) Climbing upon, during an event, any tree, wall, fence, shelter, fountain, statue, or other structure not specifically intended for climbing purposes;
- (3) Rendering any part of the event venue dangerous or unsafe for use by others;
- (4) Closing any street or public right-of-way during the event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during the event, without first obtaining a street closing permit;
- (5) Damaging landscaping, plantings, improvements, equipment or structures located on the public property where the event is being held;
- (6) Holding, carrying, displaying or wearing law enforcement or military-like uniforms or uniform-like clothing, badges, insignia, shields, hats, helmets, masks, equipment and other items that, when held, carried, displayed or worn, tend to suggest or imply that the wearer is a current member of the military, a private militia, a law enforcement agency, or another public safety organization (such as a fire department or emergency medical services agency).

(b) The provisions of this section shall be enforceable as provided within Sec. 18-27 of this article.

Sec. 18-27. Violations and penalties.

Any person who commits an act made unlawful under the provisions of sec. 18-25 or 18-26 of this article shall, upon conviction, be guilty of a class 3 misdemeanor punishable as set forth within sec. 1-11 of the City Code.

2. Severability. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

3. Effective Date. This ordinance shall become effective upon adoption by City Council.